

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MARYLAND

3 TIMOTHY BROWN *

4 Plaintiff *

5 vs. * Civil Action No.:

6 MAYOR AND CITY COUNCIL OF * 23-cv-155 GLR

7 BALTIMORE CITY, ET AL. *

8 Defendants *

9 *****

10

11 VOLUME I

12

13 REMOTE DEPOSITION OF

14 ZENA B. CUNNINGHAM

15 Taken Virtually via

16 Zoom Video Conferencing

17 Thursday, June 12, 2025

18 9:07 a.m.

19

20

21 Reported By: Linda M. Shaw

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(Appearances continued on the next page.)

1 A P P E A R A N C E S (Continued)

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C O N T E N T S

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1 P R O C E E D I N G S

2 -- -- -- -- --

3 (On the record at 9:07 a.m.)

4 ZENA B. CUNNINGHAM,

5 the Witness, having been called for examination, and after
6 having been duly sworn or affirmed according to law, was
7 examined and testified as follows:

8 THE COURT REPORTER: Would you please state your
9 full name for the record?

10 THE WITNESS: Zena B. Cunningham.

11 THE COURT REPORTER: Thank you. Go ahead.

12 EXAMINATION

13 BY MR. JEFFRIES:

14 Q Good morning, Ms. Cunningham. My name is Chris
15 Jeffries and I represent a number of the Defendants in the
16 lawsuits that you sent Timothy to file. Can you hear me
17 okay?

18 A Yes, I can hear you.

19 Q Have you ever given a deposition before?

20 A No.

21 Q Okay. So let me go over just briefly some of the

1 ground rules with you, okay? Because there's a court
2 reporter taking down everything you say, it's very important
3 that only one of us talk at a time; okay? Is that okay?

4 **A Oh, okay. You said one of us talking at a time,**
5 **so.**

6 **Q Yes.**

7 **A I'm supposed to answer?**

8 **Q Yes.**

9 **A Okay.**

10 **Q It's also very important that you give verbal,**
11 **you've gotta give a verbal response, because the court**
12 **reporter can't take down an "uh-huh", an "uh-uh" or a shake**
13 **of the head. Okay?**

14 **A Okay.**

15 **Q All right. If you don't understand one of my**
16 **questions, please just tell me. I'm sure it's my fault, and**
17 **I'll repeat the question; okay?**

18 **A Okay.**

19 **Q If you do answer, then two things will flow from**
20 **that. The first is that you understood the question, and**
21 **the second is that you're answering it truthfully, because**

1 that's what you took an oath to do. Does that make sense?

2 **A Say that again.**

3 Q Sure. If you begin to answer my question, two
4 things will flow from that; okay? The first is that you
5 understood the question, and the second is that you're
6 answering it truthfully, because that's what you took an
7 oath to do. Does that make sense?

8 **A Yes.**

9 Q Okay. If you don't know the answer to one of my
10 questions, this isn't a memory test. Just tell me you don't
11 know, rather than answer; okay?

12 **A Yes.**

13 Q And I ask simply because we're doing this
14 virtually so we're not sitting in a room together. Is there
15 anybody in the room with you?

16 **A My husband.**

17 Q Okay. As long as you are not, this is for us to
18 get your testimony specifically, so as long as you are not
19 interacting with him in answering --

20 **A No, he's getting dressed for work.**

21 Q Understood. Okay, that's fine. That's fine.

1 Ms. Cunningham, what is your middle name?

2 **A Bethorillia.**

3 Q I'm sorry, I didn't hear you.

4 **A Bethorillia.**

5 Q Okay.

6 THE COURT REPORTER: Could you spell that, please,
7 ma'am?

8 THE WITNESS: B-E-T-H-O-R-I-L-L-I-A.

9 Q Have you ever gone by any other name?

10 **A Zena Johnson.**

11 Q Okay. Any other, any nicknames?

12 **A I've gone by, my family calls me a nickname, but**
13 **not, other than my family, no.**

14 Q Okay. What's that nickname?

15 **A Smooch.**

16 Q Smooch? Have you ever gone by Zena Strafford?

17 **A That's my birth name but I've never gone by it,**
18 **no.**

19 Q Okay. That's your birth name?

20 **A Yes.**

21 Q How about Zena Johnson?

1 **A No.**

2 Q Okay. And I should say I understood that we have
3 a bit of a time constraint; you have someplace to be at 11
4 o'clock; that is my understanding.

5 **A That is correct. Work.**

6 Q Okay. So we may have to come back, but obviously
7 we'll make sure that you're done this morning so you have
8 more than enough time to get where you need to be; okay?

9 **A Well, I called and asked for a little leniency, so**
10 **that won't be a problem. So is it gonna be over three**
11 **hours?**

12 Q So, yes, it could be. Let's just see where we are
13 when we get to about 10:45-ish or so. Does that make sense?

14 **A Okay.**

15 Q Okay. So, when is your, what is your current
16 address?

17 **A 2811 Ruscombe Lane, Baltimore, Maryland 21215.**

18 Q And since 2013, have you ever lived at any other
19 address?

20 **A No.**

21 Q Okay. Have you ever lived at 222 North Woodyear?

1 **A No.**

2 Q Okay. Is that address associated with anybody in
3 your family that you know of?

4 **A Yes.**

5 Q With whom?

6 **A That's Timothy's address.**

7 Q And how long has he lived at 222 North Woodyear?

8 **A Going on, I'm gonna say, two years.**

9 Q Two years, okay. And where did he live before
10 that?

11 **A Here. 2811 Ruscombe lane.**

12 Q All right. Between 2013 and two years ago, so
13 2023, where if anywhere else did Timothy live?

14 **A Jail.**

15 Q And other than that, any other addresses?

16 **A No. From here, we've been here since 2007.**

17 Q Okay. How about, were there any other places,
18 other than jail, and other than 2811, from 2013 through
19 2023, were there any other places where Timothy stayed
20 overnight?

21 **A Overnight?**

1 Q Yes, ma'am.

2 A I apologize. I can't answer that. He's a man.

3 Q Sure. In other words, what I'm trying to do, I
4 understand that his permanent address, other than when he
5 was incarcerated, actually, his permanent address was 2811
6 Ruscombe. But I'm trying to figure out if there are other
7 places that he stayed --

8 A You said, "overnight." He's young man, and young
9 men have female, you know, lady friends that they stay
10 overnight, so I could not tell you.

11 Q Okay. Do you know whether he did?

12 A Did he permanently live with somebody else?

13 Q No, not permanently; temporarily.

14 A No.

15 Q You don't know, or he didn't?

16 A I don't know of any other address.

17 Q Okay. I ask this of anybody, so I don't mean
18 anything by it. Are you currently under the influence of
19 anything that would impact your ability to testify
20 truthfully?

21 A Caffeine. I'm drinking coffee.

1 Q You and me both, but other than that?

2 A No, sir.

3 Q All right. Thank you, Zena.

4 Did you do anything to prepare for this
5 deposition?

6 A You mean --

7 Q Did you review any documents, did you speak to
8 anybody about the case?

9 A No.

10 Q Okay.

11 A Except for my son --

12 Q What did you say --

13 A -- to tell me when it was gonna be.

14 Q Got it.

15 A You know, we didn't go into details about, do you
16 remember or anything, so the answer would be no.

17 Q Okay. When you say "son," you mean Timothy;
18 correct?

19 A That is correct.

20 Q Have you seen a copy of the Complaint that was
21 filed on your son's behalf in this case?

1 **A No.**

2 **Q Okay. What do you know about this lawsuit?**

3 **A What do I know about it?**

4 **Q Yes, ma'am.**

5 **A In reference to, do I know it exists? Yes, I know**
6 **it exists.**

7 **Q Okay. Do you know what he's alleging?**

8 **A Yes.**

9 **Q Okay. What is he alleging?**

10 **A That the officers that came into my home did some**
11 **things that were improper, and placed some things in my**
12 **home, so, did provide some things that were supposed to be**
13 **in my home that were not.**

14 **Q Okay. And how do you, what is your basis? How do**
15 **you know that?**

16 **A Because I was called from work to come home, and**
17 **my home was being invaded by police.**

18 **Q Other than speaking with your son, who told you,**
19 **obviously, about the arrangements for the deposition, have**
20 **you spoken with anyone else about this lawsuit?**

21 **A No.**

1 Q Okay. So, and I'm drawing a distinction between
2 this lawsuit and what I'll call the "occurrence," okay? So
3 there was a search in 2014 and an arrest. So I also want to
4 ask you, have you spoken with anybody else about that
5 occurrence? Do you understand my question?

6 A No.

7 Q Okay. So, we're here, Timothy's case is about a
8 search that occurred in February of 2014 and a subsequent
9 arrest. Right?

10 A Yes.

11 Q Have you spoken with anybody about that?

12 A The attorney that called me in reference to
13 Timothy is the only person that I've spoken to besides him.

14 Q Besides him?

15 A Besides Timothy.

16 Q Okay. And what have you spoken to Timothy about?

17 A How he feeling, how he feel about it, what he
18 going through, is it okay, is he okay, things of that
19 nature.

20 Q And when were those conversations?

21 A Recently, when I noticed a, a change in his

1 conversation, he gets agitated easily, is he okay, what's
2 going on with him.

3 Q And when did you notice -- you said "recently"
4 that you noticed a change. What do you mean by "recently"?

5 A About, I'm-a say about a couple of months ago,
6 when, you know, he keeps speaking about it, I see how he
7 gets agitated and easily upset about the whole situation.

8 Q I'm sorry; what do you mean by "the whole
9 situation"?

10 A About being locked up. About what he went through
11 while he was in there. How it feels that he goes through
12 certain things and then all of a sudden have your life
13 turned up outside down. What he's trying to say to me is, I
14 don't understand what he's going through. And honestly, I
15 don't.

16 Q Okay. And that just started a few months ago?

17 A Well, we would have periodic conversation, but it
18 didn't get real deep until, what I'm seeing now, a couple of
19 months ago.

20 Q Are you able to turn your -- I'm assuming it's a,
21 whatever device it is -- are you able to turn the angle a

1 little bit? All I can see is the top of your head and the
2 very top of your glasses.

3 (Witness adjusting device.)

4 Q Thank you.

5 A Should I be dressed? I mean, I'm in my night
6 thing. Is this all you need to see? I mean, I have a top
7 on.

8 Q Yes. I don't -- I just need to be able to see --

9 A I'll turn my angle. Is that better?

10 Q That's fine. You are, is your date of birth
11 9/20/63?

12 A Yes, it is.

13 Q All right. And are you married?

14 A Yes, I am.

15 Q And is your husband Dennis Cunningham?

16 A Yes, he is.

17 Q How long have you two been married?

18 A Since 2007.

19 Q 2007, okay. And I know you have -- I'm trying to
20 figure out your children. I know that you have Timothy and
21 Trevor?

1 **A Mm-hm.**

2 Q Do you have any other children?

3 **A Yes. Tylance.**

4 Q Tylance. Okay.

5 THE COURT REPORTER: Would you spell that name,
6 please?

7 THE WITNESS: T-Y-L-A-N-C-E.

8 Q And Timothy, I think, his date of birth is
9 8/15/85. Is that correct?

10 **A That is correct.**

11 Q And what about Trevor?

12 **A Trevor is 11/19/1997.**

13 Q And how about Tylance?

14 **A 10/30/1982.**

15 Q Have you spoken with Trevor at all about this
16 case?

17 **A No.**

18 Q Have you spoken with Trevor at all about the
19 occurrence before Timothy's arrest?

20 **A No.**

21 Q Okay. Or your arrest, for that matter?

1 **A Or what?**

2 Q Or your arrest, for that matter, back in February
3 of '14?

4 **A No.**

5 Q Okay. How about Tylance?

6 **A Have I spoken to him about my arrest? No.**

7 Q Okay. How about Timothy's arrest?

8 **A No.**

9 Q Okay. And how about Timothy's lawsuit?

10 **A No.**

11 Q How about with Mr. Cunningham?

12 **A No. We don't have conversations like that.**

13 Q Okay.

14 **A Pretty much it is how you feeling, are you okay?**

15 Q And those conversations are conversations that you
16 had with Timothy; is that right?

17 **A Yes. Well, Tylance asks how we doing, as well.**

18 **I'm pretty sure that where he's at, you know where he's at,**
19 **as well.**

20 Q No, actually, I don't. I'm sorry. Where is he?

21 **A He's not in the home.**

1 Q Okay.

2 A So when a child calls to check on how their
3 mother's doing, they're checking on their well being.

4 Q Sure. Okay.

5 A They know I have high blood pressure and they know
6 I distressed easily when something's wrong with one of them.

7 Q Okay. Okay. Was that a no, you haven't had any
8 conversations with --

9 A That is a no.

10 Q Okay. Just so the record is clear, so only one of
11 us is talking at once, you haven't had any conversations
12 with Mr. Cunningham about this lawsuit; is that correct?

13 A No.

14 Q And you haven't had about conversations with him
15 about Timothy's arrest either?

16 A No.

17 Q Okay. Have you had any conversations with him
18 about your arrest?

19 A Whose arrest?

20 Q Yours.

21 A No.

1 Q Okay. Since you have reached the age of 18 and
2 had the opportunity to be represented by counsel or waived
3 that right, have you been convicted of any crimes?

4 A Say again?

5 Q Sure. Since you reached the age of 18 and had the
6 opportunity to be represented by a lawyer or waived that
7 right, have you been convicted of any crimes?

8 A Crimes?

9 Q Yes, ma'am.

10 A Yeah.

11 Q Okay. Can you tell when me what they are and
12 when?

13 A Oh, my God. It was so, so long time ago. Let's
14 see, 27 years, um, I think, 25 years ago, I bounced a check
15 and they called it petty theft. I think, 29 years ago, I
16 was arrested for possession.

17 Q Possession of what?

18 A Controlled substance.

19 Q Okay. Do you recall what it was?

20 A I never saw the results of it, but I know it was
21 marijuana and something else. I can't think specifically at

1 the time because it was, it was thrown out.

2 Q The charge was thrown out?

3 A Yeah, null processed.

4 Q Yeah. Do you know why?

5 A I was with a bunch of other people and they tried
6 to pretty much say that everybody was arrested was being
7 held for the same thing, but when it all boiled down to it,
8 the person that it actually was admitted to it then and
9 there. So, was non-processed.

10 Q Okay. And any other convictions that you recall?

11 A No.

12 Q Okay. How about lawsuits; have you ever been a
13 party to a lawsuit in the past? In other words, have you
14 ever sued somebody or been sued by someone?

15 A I have, yes.

16 Q Okay. Can you tell me about those?

17 A Car accident.

18 Q Okay. When was that?

19 A Oh, my God. I think maybe about five or six years
20 ago, I was in a car accident. Let me see, like, two
21 thousand and 21, I believe it was, '21.

1 Q Was anyone with you?

2 A No.

3 Q Okay. Any other lawsuits where you've been sued
4 or you filed suit that you recall?

5 A Only car accidents.

6 Q Okay. I noticed that there was a lead paint case
7 that was filed on behalf of your son Trevor.

8 A Yes.

9 Q Where you were listed, presumably because he was a
10 minor at the time. Was Timothy involved in that case at
11 all?

12 A No.

13 Q Okay. I also notice that had you filed for
14 custody of, I believe, Amontay Sikes; is that right?

15 A That's correct.

16 Q So that's another lawsuit that you filed?

17 A So, so let me say. When you saying lawsuit and
18 lawyer involved, and I'm thinking you talking about, like,
19 he's suing someone, not the point that my grandson needs
20 somebody to care for him and so we had to, they had to file
21 certain paperwork for us to have him in the home with us. I

1 **didn't consider that as a lawsuit. That's my grandchild.**

2 Q Okay. So I'm asking as broadly as possible. If
3 you filed something in court similarly, or if a case was
4 filed against you, I wasn't limiting it to whether you were
5 represented by a lawyer or whether a lawyer filed it. I'm
6 just trying figure out the background, so. But thank you
7 for seeking the clarification.

8 So tell me about the custody case.

9 A Okay. Amontay was born. For whatever reason, his
10 mother and father at the time felt they were not able to
11 care for him, so her mother put her and my grandchild out on
12 the street and they had nowhere are else to go. So, they
13 came here at 2811 to stay with me.

14 Things did not work out between her and Timothy so
15 she left the residence with the other two kids and left
16 Amontay in our care. After six months she asked that we
17 take him until she get herself on her feet. Somehow or
18 another Protective Custody got involved with the other kids
19 and that's how the lawyers and stuff got involved. We did
20 not go and file suit for Amontay. Because of her other
21 kids, everything was drawing them together and as a result

1 of that case, we ended up with Amontay.

2 Timothy and I and my husband appeared in court and
3 the primary purpose of the case was in reference to the
4 other children that another grandmother had filed against.
5 We didn't file any, get any representation. It was provided
6 freely by the State because he was one of her 13 children.

7 Q "He" means Amontay?

8 A Yeah, Amontay.

9 Q Got it.

10 A Well, by them already having something in the mix,
11 that's how we stepped up to take Amontay, me, myself and
12 Timothy. Amontay, A-M-O-N-T-A-Y.

13 Q And how old is Amontay, his date of birth?

14 A He is 17 now.

15 Q Okay.

16 A We've had him since he was six months old.

17 Q Where does he reside now?

18 A Right now, Charles Hickey.

19 Q Charles Hickey?

20 A Yes.

21 Q How long has he been there?

1 **A Three months.**

2 Q And what is he there for?

3 **A Um, you, you, violence, what is it called? I**
4 **can't tell you the exact name of it, but he was supposed to**
5 **be allegedly with some kids that broke into somebody's car**
6 **and home. I don't know what the name of that's called.**

7 Q Thank you. Let me work backwards.

8 Amontay was born, what's his birth date?

9 **A September the 4th.**

10 Q Okay. Of?

11 **A 2007.**

12 Q Got it. And what is his mother's name?

13 **A Charday Lee Paris. Charday N. Sikes Paris, 'cause**
14 **she's now married.**

15 Q Okay. Does Timothy have any other children with
16 Charday?

17 **A No.**

18 Q Okay. And when, so you described that she was put
19 out and she came with Amontay to live with you at 2811.
20 When was that?

21 **A Six months after he was born, so I'm-a say the end**

1 **of 2007, beginning of 2008.**

2 Q Okay. And when was the, when was that case filed
3 that resulted for you all to have custody, that resulted in
4 you having custody?

5 A **Oh, my goodness. Let me see, Amontay might have**
6 **been three, so I'm-a say 2010.**

7 Q So, I understand that he's not currently residing
8 at 2811, between 2010 and I guess, three months ago, where
9 else has he resided?

10 A **No, nowhere, 2811.**

11 Q Okay. Going back to, I believe I read -- did you
12 file bankruptcy at some point?

13 A **Yes.**

14 Q Okay. And when was that?

15 A **Two years ago.**

16 Q Has that be discharged?

17 A **Not yet.**

18 Q Okay. I have a couple of phone numbers. Do you
19 recognize phone number 443-683-0799?

20 A **No. I don't recognize that.**

21 Q Okay. How about 410-382-6965?

1 **A Yep.**

2 Q What's that?

3 **A That was my phone number maybe ten years ago.**

4 Q Okay. When you say your phone, house or cell?

5 **A Mobile number.**

6 Q Okay. How about 410-523-5219?

7 **A That's the land line.**

8 Q Got it. At 2811?

9 **A Yep.**

10 Q Okay.

11 **A Or should I say yes?**

12 Q Yes, you should have, but thank you.

13 How about 410-523-8382?

14 **A No.**

15 Q Do you know what Timothy's cell phone was in 2014?

16 **A No. They changed so many phones, I couldn't tell**
17 **you.**

18 Q I understand.

19 And Ms. Cunningham, what's your educational
20 background?

21 **A I have a Associate degree in business management.**

1 Q Where from?

2 A UMBC.

3 Q When did you earn that?

4 A 1985.

5 Q Got it. Are you currently working?

6 A Yes, I am. I'm First Assistant Owner Operator of
7 McDonald's and also a Manager at Royal Farms.

8 Q Okay. And how about in 2014, where were you
9 working?

10 A McDonald's.

11 Q Okay.

12 A Same owner of operator but under the mother, not
13 the daughter.

14 Q Got it. And that's where you were working when
15 the search warrant was executed?

16 A That is correct.

17 Q Got you. Thank you.

18 Do you know whether Timothy was working at all in
19 February of 2014?

20 A No, Timothy was not working.

21 Q How was he spending his time in 2014?

1 **A Pursuing his GED and driver's education.**

2 **Q Where was he pursuing his GED?**

3 **A At, I believe, at the Multipurpose Building on**
4 **Reisterstown. I don't know the exact location of it,**
5 **Reisterstown Road, Oswego, and I don't know the name of the**
6 **location of the driving school. I do think it was called**
7 **Ideal. I do think it was called Ideal Driving and Learning**
8 **down in West Baltimore.**

9 **Q Okay. Did Timothy, so, in 2014, February of 2014,**
10 **did Timothy have a driver's license?**

11 **A No, he did not.**

12 **Q He did not?**

13 **A No, no, he did not.**

14 **Q Had he had one before?**

15 **A He had a learner's permit.**

16 **Q Best of your knowledge, when did he get his**
17 **learner's permit?**

18 **A Oh, my God, I don't even, Lord have mercy. He**
19 **might have got it 2013, 2011. I'm not quite sure.**

20 **Q Okay. But it's your recollection he didn't**
21 **actually have a driver's license in 2014?**

1 **A No.**

2 **Q Was he driving in 2014?**

3 **A Yes.**

4 **Q Okay. What was kind of car was he driving?**

5 **A I don't know the make and model of it. I know it**
6 **was red or burgundy, whatever, some type of wine color car.**

7 **Q Got it. Might it have been a Mercury?**

8 **A Yeah, or something like that. I'm not good with**
9 **make and models of cars, only my own.**

10 **Q I understand. It was a red car?**

11 **A Yeah.**

12 **Q Okay.**

13 **A It might have been burgundy. Not sure. It was**
14 **like a wine color car.**

15 **Q And where was the car kept?**

16 **A On the side of my home.**

17 **Q There's a driveway at your house; correct?**

18 **A That is correct.**

19 **Q Was it parked in the driveway when the search**
20 **warrant was executed?**

21 **A Oh, yes.**

1 Q And did anybody else use that red car?

2 A No.

3 Q How often did Timothy use it?

4 A I can't say.

5 Q But it was his?

6 A Yes.

7 Q All right. What happened to that car, if
8 anything?

9 A I had it towed.

10 Q You had it towed?

11 A Yes.

12 Q Why did you have it towed?

13 A Because I was getting fines for it because he
14 didn't have no tags or nothing on the car. They was giving
15 me a environmental fine, environmental fines that the State
16 comes up with, saying that you have a vehicle on your
17 property that has no current tags or anything on it and they
18 are considering it as abandoned.

19 Q Got it. When did you have it towed?

20 A Oh, my God, maybe sixth months after he was
21 incarcerated.

1 Q Okay. Did he ever try to get it back, do you
2 know?

3 A Oh, how could he do that? He was locked up.

4 Q Even --

5 A No. He was in jail.

6 Q He was --

7 A I'm sorry, no, he was in jail.

8 Q Okay. In 2014, did the car have current tags on
9 it?

10 A Mm-hm.

11 Q Is that a yes?

12 A Yes, yes, I'm sorry.

13 Q That's okay. That's okay. You're doing great.

14 So I'm going to ask you a few names. Do you know
15 the name Keith Gladstone?

16 A No.

17 Q Okay. How about Michael Sullivan?

18 A No.

19 Q Abraham Tasker?

20 A No.

21 Q Antonio Saunders?

1 **A No .**

2 Q Kenneth Taxman?

3 **A No .**

4 Q Okay. Do you know anything about those
5 individuals?

6 **A No .**

7 Q All right. Have you ever heard of them before?

8 **A Not really, can't say that I have. No .**

9 Q Okay. Let's talk a little bit about the search
10 warrant execution. Okay?

11 **A Mm-hm .**

12 Q So, obviously you were living at 2811 in February
13 2014. Who else was living with you, if anybody, at that
14 time?

15 **A My husband .**

16 Q Okay.

17 **A Dennis Cunningham. My son Trevor .**

18 Q Okay.

19 **A My stepson, Karon Cunningham, and my grandson,**
20 **Amontay Sikes, along with Timothy Brown .**

21 Q Okay. I am trying to get an understanding of the

1 layout of your home. Okay. So, if I am facing the front of
2 2811 Ruscombe, outside there's a driveway. Is that driveway
3 to the right or the left?

4 A You're out front, so the driveway's to your right.

5 Q Okay. So, is there a porch or a walkway? Coming
6 in, is there a porch or --

7 A A walkway that's about maybe six to ten feet, that
8 leads up a flight of steps which is about eight, which leads
9 to a porch.

10 Q All right. And then, if I, so if I go in your
11 front door then, can you give me an idea of the first floor
12 of the house?

13 A You go in through the front door. To the right is
14 the staircase which leads up the stairs. To the left is the
15 dining room, which has an adjoining room, with a living room
16 which has an adjoining room, which is the dining room. If
17 you go straight forward, you have a walk-in kitchen. You
18 can't sit down and dine in it, uh-uh, in the front of it,
19 but on the side of it, we have a countertop with what you
20 call, like, bar stools for the chairs. All the way back
21 toward the back door is the laundry room. Off to the

1 **kitchen to the right before you get to the stove is the door**
2 **to the basement.**

3 Q Okay. So, let me repeat that to make sure I've
4 got it. So, if I go in your front door, on the right-hand
5 side there's a staircase?

6 A **Right.**

7 Q So, on my left-hand side is the living room?

8 A **Yeah.**

9 Q And then, if I were to proceed toward the back of
10 your house, at the living room, I'd get to the dining room?

11 A **That is correct.**

12 Q Okay. And then, if I, back to your front door, if
13 I look straight ahead, I would walk into your kitchen?

14 A **Right.**

15 Q Okay. Behind the kitchen is the laundry room, and
16 in the kitchen is the door to the basement?

17 A **That's correct.**

18 Q And there's a back door in your kitchen?

19 A **That's correct.**

20 Q Okay. Is there a back yard?

21 A **Yes.**

1 Q Is there an alley?

2 A No. No alley. Behind my home is another road
3 called Olney where there are houses. That's a road.

4 Q Got it. Okay. I have a question. Where do you
5 put your trash cans, front or the back?

6 A I can do either.

7 Q Got it.

8 A I can put it on the side where they pick up the
9 recycle or in the front where they pick up the trash.

10 Q Got it. Was that the case in 2014?

11 A Yes.

12 Q Got it. Okay. So, if I come in and I go to my
13 right and go up the stairs, I get to the top of the stairs
14 and I'm on the second floor?

15 A Mm-hm.

16 Q Can you take me through the layout of the second
17 floor?

18 A In the front of the house is the master bedroom
19 where Dennis and I reside. In the middle room is Trevor.
20 In the back room is Amontay and his bed, and down in the
21 basement is Tylance. And in the middle is the bathroom.

1 Q In the middle, on the second floor?

2 A Yes. Soon as you come up the steps and bear to
3 the right there's a restroom.

4 Q Okay. And is that the layout of 2014, those
5 individuals, is that where they lived in 2014?

6 A The same layout, it is.

7 Q Okay. So, Timothy and Amontay were in the back
8 bedroom in 2014?

9 A Yes.

10 Q And what was the furniture in the back bedroom, in
11 Timothy's bedroom, in 2014?

12 A A full-size bed at the bottom. I don't even know
13 how to describe it. It's like a bunk bed set, but it's not
14 a bunk bed set. The bottom bunk is a full-size bed and it's
15 got a small ladder to it and it's a twin size.

16 Q Okay.

17 A And the full-size bed is for an adult and the
18 child is over top of him in the twin.

19 Q Okay. And what else, was there a dresser or
20 closet or night stand?

21 A There's the closet, there's a stand for a large

1 television, the stand has about two components where their
2 game system was, and one night stand with a night light.

3 Q Okay. Was there a set of drawers or anything?

4 A Not really a drawer. It's like a cubby hole.

5 Q Any other furniture in that room in February 2014?

6 A Storage bins, two storage bins, both be for toys
7 in it for Amontay.

8 Q Okay. Anything else?

9 A No, not that I can remember.

10 Q Okay. And then, tell me about the basement in
11 2014. You said your Stepson lived there, Karon?

12 A Mm-hm. Full-size bed, same type of layout, large
13 console for TV, cubby holes, game system, the remote and
14 control, one stand where a night light went. Further up,
15 deep freezer and the small six-foot cubic freezer, then
16 toys, bicycles, and I believe, at that time, a dirt bike.

17 Q Okay. All right. So let's go to, take me through
18 February 12, 2014. Okay? So, in the morning through the --
19 All right. So, let's start, let's start in the morning.
20 You say you were working at McDonald's.

21 A Yes.

1 Q What time did your shift start?

2 A Seven a.m.

3 Q Seven a.m. Okay. What time would you have left
4 in the morning to get there by seven?

5 A About six, 6:15. It don't take me that long to
6 get to work. I had a special route that I took. There's
7 not really much traffic at that time of morning, getting
8 there, get your shift started, get to work.

9 Q Okay. February 12th of '14, was your husband
10 working?

11 A No. He was on his way to North Carolina to visit
12 his Dad.

13 Q Did he leave on the 12th or did he leave before
14 that, to your recollection?

15 A He left that day, that morning.

16 Q All right. So when you left to go to work, was he
17 at 2811?

18 A No, he was already gone, I believe.

19 Q Okay.

20 A I believe he was already gone because he drove by
21 hisself. So he came from work, took a small nap, and then

1 got hisself ready. My father-in-law was having health
2 problems. It was like an emergency type thing.

3 Q Got it. When you left, were any of your, was
4 anybody, who else, was anybody else in the house when you
5 left?

6 A When I left, no, 'cause Karon and Trevor was at
7 school. Amontay was already taken to daycare, and Timothy
8 was responsible for taking Amontay to daycare. So Amontay
9 was enrolled in daycare. From daycare, Timothy was going to
10 the driving school. Karon and Trevor was already en route
11 to school. They left out early to go to the breakfast, had
12 breakfast at school and on to their regular curriculum.

13 Q So what time did Karon and Trevor usually leave to
14 go to school?

15 A 6:30.

16 Q They left at 6:30? Okay.

17 A 6:30 a.m.

18 Q And what time did Timothy usually leave to take
19 Amontay to daycare?

20 A About the same time.

21 Q Okay. And so, they would have all still been at

1 home if you left between 6:00 and 6:15; is that right?

2 A 6:15, no. 6:15 all of them was not in the home,
3 two was on their way out the door, and two was already out
4 the door, and the other two was coming out behind. And I'm
5 already in my car when the two are ready to come out the
6 door and two are already walking down the street.

7 Q Okay. So then, they would normally leave earlier
8 than 6:30?

9 A Yeah.

10 Q Got ya.

11 A Like I said, they go to the breakfast program.
12 They didn't need to, but that's what kids do.

13 Q Got ya. Okay. Does Amontay have a nickname,
14 Fats?

15 A Phat, P-H-A-T.

16 Q Got it. How about Timothy, does he --

17 A We called him Squint.

18 Q How'd he get that one?

19 A 'Cause he's always squinting his eyes to see
20 'cause he wouldn't put on his glasses.

21 Q Got ya. Did he ever go by S-Q, short for Squint,

1 do you know?

2 **A No, never heard of that.**

3 Q Okay. Are there any other nicknames that Timothy
4 went by?

5 **A Not that I'm aware of.**

6 Q All right. I know he used, he used his brother's
7 name a couple of times; is that right?

8 **A When he was in trouble, yeah.**

9 Q When he was in trouble, were there any other names
10 that Timothy used?

11 **A Not that I'm aware of.**

12 Q Okay. Do you know what his friends or
13 acquaintances would have called him?

14 **A Squint.**

15 Q Okay. Anything else?

16 **A No.**

17 Q Not that you're aware of, or no?

18 **A Not that I'm aware of.**

19 Q Got ya. Okay. So everybody's out of 2811 by 6:30
20 in the morning on February 12th.

21 **A Yes.**

1 Q And what's the next thing that -- you went off to
2 work. I get that. What's the next thing that happened in
3 relation to 2811 and you?

4 A I get a call. It's a small close-knit
5 neighborhood. This little area right here, we look out for
6 one another. I get a phone call from my neighbor, Mrs.
7 Curtis Corbit, telling me, "Sis, you need to get home." And
8 I'm saying, "What's going on?" She say, "Are you by
9 yourself or are you on the floor?" You know, customers and
10 whatnot. I said, "I can step off the floor. What's going
11 on?" She says, "Them boys is running up in your house. You
12 need to get here immediately."

13 Q Okay.

14 A And then I called my supervisor, let my supervisor
15 know. I have another manager here, a support manager, she's
16 not that strong. I have an emergency I need to be home.

17 Q Okay.

18 A And I left my job and came home.

19 Q What time did -- do you have any idea what time
20 you got home?

21 A I don't recall.

1 Q All right. How about what time Mrs. Corbit called
2 you?

3 A I'm going to say it was around right before lunch,
4 maybe about midday, maybe about 11 o'clock. I can't recall
5 the exact time.

6 Q Okay. And how long did it take you, would it have
7 taken you to get home?

8 A About 35 minutes.

9 Q So I'm assuming Mrs. Corbit called and the
10 conversation lasted a few minutes. You called your
11 supervisor. That's probably a pretty quick conversation.

12 A Yeah.

13 Q And then you left out. Is that fair?

14 A That's fair.

15 Q And you said it would have taken you about 35
16 minutes to get back to your house.

17 A Yes. About 35 minutes -- I'm-a say, yeah, I was
18 speeding.

19 Q And you answered my question, which was gonna be
20 driving.

21 A Yes.

1 Q Okay.

2 A I was driving.

3 Q Got it. All right. And so, where did you park
4 when you got to your house?

5 A I had to park on Mrs. Corbit's side because the
6 officers had their vehicles parked exactly in front of the
7 location.

8 Q Okay. So what did --

9 A At 2813 is where my vehicle, I pulled my vehicle
10 up to.

11 Q Okay. When you get out of your car, what did you
12 observe?

13 A When I get out of my car I walk up to my residence
14 and two of the gentlemen tell me, "Hold you right there."
15 One pulls a weapon. "Who are you, buh, buh, buh?" "I'm
16 Zena Cunningham. I'm the owner of the house." "Stay right
17 there. Don't come forward." And I stay right there.

18 Q So there were two officers outside?

19 A Yeah.

20 Q Okay. Was anybody else outside?

21 A Um, one, one officer was in a couple, by, by their

1 car and two was in front. One was on the side, and then I
2 heared them talking on their radios. They was in the back
3 of the home, but with my vision, I only saw three.

4 Q All right. I'm going to make sure I'm following
5 you. So you get to your house and you get towards your
6 front door, and there were two officers in the front of the
7 house?

8 A Yeah.

9 Q Where in the front?

10 A One back exactly by the front door, and one on the
11 pathway coming up to the house.

12 Q Okay. Can you describe either of those officers?

13 A No, the one was a Caucasian. Can I say that?

14 Q Yes.

15 A One was a Caucasian, standing by the door, and one
16 was an African American, down by the landing pad.

17 Q Okay. And which one of them spoke to you?

18 A The Black one said, "Who are you?" The White one
19 said, "Hold it right there."

20 Q Okay. And you said someone pulled a weapon?

21 A Yeah, the Black one pulled a weapon.

1 Q Okay. All right. And then you said there was an
2 officer by --

3 A By the end of Timothy's car there was a officer.

4 Q Okay. Can you describe that officer?

5 A It looked like he could have been of foreign
6 descent.

7 Q Okay.

8 A He wasn't African American but he wasn't White
9 either.

10 Q Okay. Did you speak with that officer?

11 A No.

12 Q All right. So, we've got one at the door, an
13 officer on the walkway, one standing at Timothy's car. Were
14 there any other officers standing outside at the front?

15 A Not that I could see.

16 Q Okay.

17 A Like I said, I could hear them but I couldn't see
18 them.

19 Q Okay. And what is it that you heard?

20 A I heard talk.

21 Q Okay. What did you hear being said?

1 A I heard, they said that, "I'm around here." And
2 one of them said something to the nature of that they was
3 looking on the back porch.

4 Q Okay.

5 A And one I heard on his radio say that they was in
6 the trash around the back.

7 Q Okay.

8 A So, I could hear conversation that there was
9 people around the back.

10 Q Got it. All right. So what happens next?

11 A I identify who I am. He grabbed me by my hand and
12 tell me to come in, and if I did not mind, have a seat. And
13 I said, "Oh, my God. What the hell?" And I said, "What's
14 going on?"

15 Q All right.

16 A That's when they told me they had a warrant to
17 search my home.

18 Q Okay. So you said an officer grabbed you by your
19 hand and asked you to have a seat. Can you describe that
20 officer?

21 A Caucasian, um, looked like he might have been

1 mid-thirties, early forties. I can't describe no facial
2 features. Really, he had a cap on, um, tell me have a seat.

3 Q Have a seat where?

4 A Right there at the living room. At the living
5 room I had a chair. We had a living room set right there
6 and a couple of chairs right there where the kids played the
7 games at. Tell me "Have a seat."

8 Q Okay.

9 A So, I have a seat.

10 Q All right. And you said, "Oh my God. What the
11 hell's going on?"

12 A Yeah.

13 Q And then what did the officer say?

14 A "We have a Search Warrant for your home."

15 Q Okay. What else did they say?

16 A And I said, what and why, and that's what he said.

17 Q You said why and then what did he --

18 A I say why, yeah, I asked why.

19 Q All right. And then what did the officer say?

20 A He said, "We have a Search and Seizure for your
21 residence because of Timothy Brown," and again I asked why.

1 Q All right. Can you tell me the rest of the
2 conversation?

3 A Yeah. One of the other ones that was behind me
4 stated that something about a confidential informant, said
5 that Timothy was a drug trafficker, and I said, "Drug
6 trafficker? First of all, what is that, and why would he be
7 trafficking drugs here?"

8 Q Okay. In 2014, do you know whether Timothy was
9 using drugs?

10 A Using drugs?

11 Q Yes, ma'am.

12 A Smoking marijuana?

13 Q Was he smoking marijuana in 2014?

14 A Yeah, I believe so.

15 Q All right. Did he keep it in the house?

16 A No, no, no, no, no. They already knew that was
17 off limits.

18 Q Where did he keep it?

19 A On his person. On him.

20 Q Well, if it's on him and he's in the house, it's
21 in the house, right?

1 A Right. That, that's not, what I'm saying is for
2 him smoking marijuana, if he was smoking it, they wasn't
3 smoking it in my house. They would have their stuff on them
4 outside. When you come into my house, they already know
5 that was prohibited. Me and my husband are recovering
6 addicts. They already know better.

7 Q Okay. You --

8 A He's going on 29 years clean. I'm 27. That's a
9 no, no.

10 Q Congratulations.

11 A Yeah.

12 Q Did he use any other drugs that you're aware of?

13 A No, sir.

14 Q No, he didn't, or no, that you don't know?

15 A No, no, not that I'm aware of.

16 Q All right. Did he sell drugs in 2014?

17 A Not that I'm aware of.

18 Q All right. Are you aware of whether he has been
19 convicted of possession with intent to distribute?

20 A Am I aware that he has been convicted of it? No,
21 not that I'm aware of.

1 Q Okay. Do you know whether he's been convicted of
2 possession of drugs?

3 A Not that I'm aware.

4 Q Okay.

5 A No, not that I'm aware. Not Timothy.

6 Q Okay. All right. So you are in the living room.
7 Did the officers have any other conversation with you?

8 A Yes, they asked me, one of them asked me, um,
9 where does Timothy travel? Does he go out of state? Do I
10 know any of his friends? Um, how much money does he have?
11 Something like that, something to that nature.

12 Q Can you describe that officer?

13 A It was a African American. Well, I'm not going to
14 say, um, fit figure. Then, um, facial appearance was clean
15 shaven, but he had on a jacket, and there wasn't too much
16 you could see of it, that's about it.

17 Q Did you have other conversations with the officers
18 in your house on that date?

19 A I really didn't have too much to say to nobody
20 because I was shaken up, because one of them kept yelling
21 and screaming that if I didn't get Timothy on the phone and

1 if I didn't get Timothy back there that anything that was
2 found was gonna be placed upon me, and if I didn't get him
3 to bring his ass back here right now, I was gonna be
4 arrested for whatever was found in my home.

5 Q And who was that officer? Can you describe that
6 officer?

7 A I never, another African American.

8 Q To the best of your knowledge, how many officers
9 were present?

10 A Best of my knowledge, that I could see, it was
11 about one, two, three -- one was in the kitchen, still
12 tearing up my stuff. Two was upstairs tearing up my stuff.
13 The one that was outside; one, two was outside. I would
14 say, it was about four or five of 'em inside, and about,
15 I'm-a say no more than three outside.

16 Q So, maybe eight total?

17 A Like I said, I could, I could hear voices talking
18 but I couldn't see 'em.

19 Q Okay. Maybe eight total?

20 A Maybe.

21 Q Okay. Can you tell me, of those eight, how many

1 you're saying were African American?

2 A I think, three.

3 Q Okay.

4 A If I can recall. Can't say specifically whether
5 there was more or not, but I know for sure --

6 Q Okay.

7 A -- there was about three. Yeah, about three.

8 Q And you told me you saw or spoke to an officer
9 that was Caucasian. How many officers were Caucasian that
10 you know?

11 A Two. Like I said, one of them, I couldn't really
12 tell their ethnic background. Their skin was fair, but
13 that's not to say that they was Caucasian.

14 Q Sure. And so, that gets us up to five --

15 A I can't even tell you if they was really
16 Caucasian. All I could say is their skin was fair. They
17 wasn't African American.

18 Q Can you give that same description for any of the
19 other three?

20 A I can't recall. I can't give you no specifics.
21 All I can say to you, their skin color and what they was

1 **saying to me and how they was trying to shake me up for me**
2 **to get them Timothy.**

3 Q So what did you do when they said, call your son?
4 Did you call your son?

5 A **I called my son and then I asked him, can I call**
6 **my husband.**

7 Q Okay. And what did Timothy say on the phone?

8 A **Timothy didn't answer. Timothy didn't answer.**

9 Q And what about your husband?

10 A **My husband answered.**

11 Q Okay.

12 A **And I told him what was going on and he said he**
13 **was turning around right then, and he turned around right**
14 **now. By the time my husband got back to Baltimore, I was**
15 **already being booked and send me downtown.**

16 Q Okay. Where was he, do you know where he was when
17 he answered?

18 A **He say he was damn near there, so I'm thinking he**
19 **almost in North Carolina.**

20 Q Where in North Carolina was he headed?

21 A **Say that again.**

1 Q Where in North Carolina was he going?

2 A To see my father-in-law.

3 Q I understand. Where in North Carolina was your
4 father-in-law?

5 A I think he was in Raleigh. I can't say for sure.

6 Q Okay.

7 A My husband always drove us. I'm not good with
8 that.

9 Q No problem. I was just trying to ask how long it
10 would take him to get there. That's all. Okay.

11 What other conversations did you have with any
12 officers that you haven't told me about, on February 12th?

13 A One of them, being smart and nasty, they kept me
14 face forward like I'm forward towards you, one of them
15 behind me, all smart and nasty, said I must have thought
16 they was stupid as shit. "All this shit, all this shit that
17 we recovered, how is it you do not know?"

18 So I asked a question, I asked him, "Can I ask a
19 question? They said yes. So, I said, "So where did you
20 supposedly find all of this shit?" Specific places. He
21 said, "Yeah. We both have found something in the dining

1 room." I found that hard to believe.

2 He said he found something in my drawer. We go in
3 that drawer every day to make coffee and take our vitamins,
4 and everything was kept right there. I found that hard to
5 believe.

6 And I think somebody said something about finding
7 something, a gun or something, in my freezer. The kids go
8 into the freezer to get Hot Pockets and shit. I find that
9 hard to believe.

10 So, I said to the officer, "You mean to tell me
11 you all sliced up all of our stuff and did all of this and
12 you only found something minor --" which was what this man
13 behind me is saying that kept on telling me 'look straight
14 forward' -- um -- "something minor in my dining room and in
15 my kitchen?" Said, "We doing our job and that's all you
16 need to know." And so from that point on, I shut up.

17 Q What was recovered; do you know?

18 A I think somebody mentioned drug paraphernalia,
19 supposed to been a weapon and supposed to been some cocaine.

20 Q Do you know where it was recovered from?

21 A No. Like I said, he said that they found

1 something in the dining room and something in our kitchen
2 cabinets.

3 Q And do you have any knowledge of, before that was
4 recovered, did you have any knowledge of the whereabouts of
5 the drugs or the paraphernalia?

6 A Say that again.

7 Q Before they were recovered, had you seen any drugs
8 or drug paraphernalia in your house?

9 A Like I said to the officer, "No, sir, because we
10 go into that drawer all day, every day to get sugar." We
11 bought stuff by the bulk. So, when we use it, we package it
12 up and issue it out and put it in places so when it's time
13 to use it, all we had to do is grab it, open the Ziploc bags
14 and use it. The stuff that we kept in that drawer was
15 mainly for coffee. So, no, I didn't see it, because I made
16 coffee that morning. The coffee maker time was 4 a.m.,
17 'cause Dennis got up at four to go to work, and he would
18 make his coffee.

19 And then in the dining room, where the kids eat,
20 down the basement where the kids go get Hot Pockets and
21 stuff, I did not believe that nothing like that was in those

1 **places.**

2 Q Okay. Would you -- in February of 2014, did you
3 search through your kids' stuff?

4 A Did I search through my kids' stuff?

5 Q Yes. Did you --

6 A Do you mean Timothy's room?

7 Q Yes.

8 A No.

9 Q Okay.

10 A No.

11 Q What about Karon? Am I pronouncing that
12 correctly?

13 A Karon, yeah.

14 Q Same question.

15 A No. Huh-uh. They are minors. The only thing we
16 had problems with them was video games.

17 Q Okay.

18 A And candy.

19 Q Okay.

20 A I would search their book bags for candy because

21 --

1 Q But you didn't --

2 A -- there was a problem. So, yeah. Did I search
3 for things? Yeah. I searched their book bags on the
4 regular basis for snacks and candy because they already knew
5 they wasn't supposed to take that type of stuff to school
6 because they was already in trouble --

7 Q Got it.

8 A -- for eating candy in class. So, yeah, I
9 searched his book bag on a regular basis, and Trevor's, as
10 well, because Trevor was in school, as well. Amontay, no.
11 Amontay was a baby going to daycare. I packed his diaper
12 bag for Timothy, so there was no reason for me to search his
13 diaper bag because I knew what was in his diaper bag
14 already.

15 Q All right. But other than their book bags, you
16 were not going through your kids' stuff; right?

17 A No. They gave me no reason to search through
18 their stuff.

19 Q I understand. Okay.

20 On the 12th, did you have any other conversations
21 with police that you haven't already told me about, or

1 interactions with police that you haven't already told me
2 about?

3 **A No, except for until I get Timothy, I was gonna be**
4 **held.**

5 Q And you told me about that; right?

6 **A Yes.**

7 Q Okay.

8 (Off the record at 10:12 a.m.)

9 (On the record at 10:31 a.m.)

10 BY MR. JEFFRIES:

11 Q Ms. Cunningham, I was asking you before we broke,
12 I meant to follow up with you about your son's car. I'm
13 assuming that red colored car that was in your driveway, I'm
14 assuming that you also didn't search that car; right?

15 **A No. Didn't touch it.**

16 Q Understood - it was his car, right?

17 **A Um-um.**

18 Q That's a yes?

19 **A Yes.**

20 Q How did he pay for it?

21 **A Let me see. He went to work with my**

1 brother-in-law, David, and earned money. He went to work
2 with my uncle and earned money. He was good with, like,
3 home improvement stuff.

4 Q All right. And what did your uncle do and what
5 did your brother-in-law do?

6 A Home improvement.

7 Q Got it. Both of them did?

8 A Both of them do home improvement.

9 Q Got it.

10 A One is more toward cement and the other is more
11 geared toward wood.

12 Q While we're on the subject, were there any other
13 jobs that Timothy held in 2013, 2014?

14 A 2013 and 2014? No, because he didn't try
15 McDonald's yet. I had him at one of them McDonald stores
16 but he hadn't put his foot through the door then yet, no.

17 Q When did he --

18 A These was just odd jobs that he was doing with
19 different people and got paid cash.

20 Q Okay. When did he try McDonald's?

21 A When he came home. I think I tried to get him to

1 do McDonald's 2021, didn't work out. The supervisor said it
2 wasn't a good fit for him. He wasn't adjusted or didn't
3 deal with the public well, and we tried again in 2023,
4 didn't work out. Tried him at both of my stores.

5 Q Did he hold any other jobs that you haven't told
6 me about?

7 A After this situation or before? Period.

8 Q My question was going to be, before February '14.

9 A No. No. Just school.

10 Q So the only time he worked for money that you're
11 aware of before February '14 was working with your
12 brother-in-law and your uncle?

13 A Right.

14 Q And that was temporary work; correct?

15 A Yes.

16 Q If you're having a problem hearing me, please tell
17 me.

18 A Raise my hand.

19 Q I'm a low talker. I apologize.

20 All right. Let's go back to February 12th. When
21 was any contraband or anything else seized from 2811? Do

1 you know, time-wise?

2 **A No, I don't remember.**

3 Q Do you know if it was before you came home or
4 while you were at home?

5 **A It was, from my understanding, they didn't find**
6 **anything, anything while I was there. All of this was**
7 **supposed to be found before I got in there.**

8 Q Okay. And what was the basis of your
9 understanding?

10 **A That whatever they found, they found before I had**
11 **arrived.**

12 Q Right. I understood what you said, but I'm trying
13 to understand, how do you know that that's the case?

14 **A Because that's what the officer said.**

15 Q Got it. Do you know which officer said that?

16 **A The Caucasian.**

17 Q One, a Caucasian officer?

18 **A A Caucasian officer.**

19 Q Okay.

20 **A I don't remember nobody -- as a matter of fact, I**
21 **don't think, only one of them said something in reference to**

1 his name, and I can't even remember, it's been so long ago,
2 what his name even was.

3 Q Okay.

4 A But I know they knew my name because one of 'em
5 kept calling me Ms. Cunningham, so they knew my name. They
6 knew I was the homeowner.

7 Q Okay. And you told them you were the homeowner?

8 A Yes.

9 Q Got ya. All right.

10 Were you, so when were you arrested?

11 A The same day.

12 Q Okay. And what were you -- do you recall what you
13 were charged with?

14 A Yes, I do. Assault, I mean, possession,
15 possession with attempt to distribute, possession of a
16 firearm. I had about 22 charges.

17 Q Okay. What happened to those charges?

18 A They got non-processed.

19 Q When were they null prossed, do you know?

20 A Oh, my God, I would have to go downstairs and look
21 in my file cabinet and dig out the paperwork, 'cause I know

1 for sure I kept it. I'm a pack rat, so my family says. I
2 kept it, but I hired Roger L. Harris as my attorney, and the
3 agreement that they made with Timothy, that if he agreed to
4 do X-Y-Z-1-2-3, they would drop the charges against me, and
5 when we went to court, and stuff was non-processed and his
6 begun.

7 Q Okay. So what was your understanding of whatever
8 that agreement was?

9 A Huh?

10 Q You said there was an agreement. What is your
11 understanding of what that agreement was?

12 A That if Timothy pled guilty to whatever they said
13 that they found, they would let me off the hook.

14 Q And who reached that agreement?

15 A Does that make sense? Am I saying that correctly?

16 Q I mean, you're answering my question.

17 Who reached that agreement as far as you're aware?

18 A Roger L. Harris and Timothy's Public Defender.

19 Q All right. And when was that agreement reached?

20 A Like, 2015. 2015, or end of '14. End of '14,
21 beginning of '15, something like that, because even though

1 he was aware of, I'm guessing, at that time, I can't really
2 say because I can't speak for him. That he was afraid.
3 They caught Timothy. He didn't turn hisself in.

4 Q He was afraid? What do you mean by that?

5 A He was afraid of being locked up. He wasn't a
6 child that was constantly in trouble and constantly got
7 locked up, so he was afraid of being locked up.

8 Q When was he afraid of -- I understand what you're
9 saying. When was he afraid of being locked up?

10 A What you mean, when?

11 Q Okay. Okay. When was he arrested, do you know?

12 A Oh, my God. I think they maybe caught him maybe
13 30 or maybe 60 days later. It wasn't in the same month.
14 This happened all in February, because by the time my sister
15 and my husband bailed me out. I had a bail. They didn't
16 just let me out on my own recon. I had a bail.

17 Q When did you --

18 A And my sister and my husband bailed me out. I got
19 out on bail on Valentine's Day, and Karon and them had set
20 up something for me at home that was kinda cute. Anyway, I
21 got out on February 14th. Timothy had contacted my sister

1 or my brother, one of the two, and they told him what was
2 going on and he had to turn hisself in or I was gonna remain
3 in trouble. He say, my sister said that he was on the phone
4 crying and carrying on and saying he don't know what was
5 going on because he wouldn't have never did nothing like
6 that. He didn't turn hisself in immediately. It was, like,
7 thirty days later they might have caught him.

8 Q So he never turned himself in. He got arrested?

9 A Right.

10 Q Okay. Do you know why he was arrested?

11 A I think, getting on a bus without a bus pass or
12 something to that nature. That simple.

13 Q All right. What's, why do you think that?

14 A Why did I think he's afraid to go to jail?

15 Q No. Why do you think that's what he was arrested
16 for?

17 A 'Cause that's what he told me.

18 Q Got it. After February 13th of 2014, did you have
19 any other conversations with the Police Officers relating to
20 this occurrence?

21 A No.

1 Q Okay. Did you have --

2 A I had, I had -- they handed me off to a woman, um,
3 a woman officer, after I had got down to, I think that place
4 is called Central Booking.

5 Q Okay.

6 A I didn't have any conversation with anybody after
7 that.

8 Q Okay. Did you ever speak with Timothy's lawyer?

9 A The Public Defender?

10 Q Yes.

11 A After my situation I had communications with that
12 individual.

13 Q Do you recall his or her name?

14 A No.

15 Q Had that lawyer represented Timothy before?

16 A That Public Defender, no.

17 Q You don't know, or no, he or she didn't?

18 A No, he didn't never represent Timothy before.

19 Q Okay. Do you know the other lawyers that
20 represented Timothy before?

21 A Another lawyer that represented Timothy before?

1 Q Yes. Do you know their names?

2 A Mr. Harris.

3 Q Mr. Harris had. Okay.

4 A Yeah.

5 Q Was there any particular reason why Mr. Harris
6 didn't represent Timothy?

7 A They said it would be a conflict of interest.

8 Q Because he was representing you?

9 A Right. And you had to look at, at that time, I
10 been, if I can't say that, at that time, being having to pay
11 for a lawyer and having to pay to be bailed out, I didn't
12 have money to pay for an attorney for him, as well. So, the
13 only thing I could do was to maintain and take care of his
14 son financially. We didn't receive any State benefits to
15 take care of Amontay. We took care of Amontay out of going
16 to work, my husband and I, and Timothy is doing odd jobs.
17 We didn't get any State assistance for Amontay, so we had to
18 work. So we couldn't afford all four, Amontay, the lawyer,
19 the bail, and then take care of Timothy's lawyer, as well.
20 So, he had to get public representation.

21 Q Understood. Okay.

1 I think I am about finished with February 12th.

2 So, why don't we break here so Ms. Cunningham can
3 get to work on time, and we can resume and finish on --

4 A I'm-a get myself ready together in a moment.

5 I'm-a enjoy this little hour that they gave me extra.

6 Q Thank you for your time, ma'am.

7 THE COURT REPORTER: Ms. Boardman, will she read
8 and sign?

9 MS. BOARDMAN: Yes.

10 THE COURT REPORTER: I need to get everybody's
11 orders on the record, please. Mr. Jeffries, are you
12 ordering the original?

13 MR. JEFFRIES: Yes, I will take copy of the
14 transcript. Just electronic is fine.

15 MS. BOARDMAN: The ASCII, and then condensed, and
16 full-size PDF.

17 MS. MARQUEZ: Nothing for us, thanks.

18 MR. CORLEY: Nothing for me right now, thank you.

19 (Off the record 10:46 a.m.)

20 E N D O F D E P O S I T I O N

21

C E R T I F I C A T E

State of Maryland, City of Baltimore, to wit:

I, LINDA M. SHAW, a Notary Public of the State of Maryland, City of Baltimore, do hereby certify that the within-named witness appeared before me via videoconference at the time and place herein set out, and after having been duly sworn by me, according to law, was examined by counsel.

I further certify that the examination was recorded stenographically by me and this transcript is a true record of the proceedings.

I further certify that I am not of counsel to any of the parties, nor in any way interested in the outcome of this action.

As witness my hand and notarial seal this 26th day of June, 2025.

A handwritten signature in blue ink that reads "Linda Shaw". The signature is written in a cursive, flowing style. Below the signature, there is a horizontal line, likely representing a notarial seal or a signature line.

LINDA M. SHAW
NOTARY PUBLIC
My commission expires:
December 12, 2026

CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me.

Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

[WITNESS]

DATE

(If needed, make additional copies of the Errata Sheet on the next page or use a blank piece of paper.)

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MARYLAND

3 TIMOTHY BROWN

4 Plaintiff

5 vs. CASE NO.:

6 MAYOR AND CITY COUNCIL OF 23-CV-155 GLR

7 BALTIMORE CITY, et al.

8 Defendants

9 _____/

10

11 VOLUME II

12

13 The deposition of ZENA CUNNINGHAM was
14 continued via Zoom on Thursday, June 26, 2025,
15 commencing at 9:00 a.m. and was reported remotely
16 via stenographic means by Paula J. Eliopoulos,
17 Notary Public.

18

19

20

21 REPORTED BY: Paula J. Eliopoulos

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18 (Appearances continued on the next page.)

19

20

21

1 APPEARANCES CONTINUED:

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June 26, 2025

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EXHIBITS

(No Exhibits were marked.)

1 PROCEEDINGS

2 Whereupon

3 ZENA CUNNINGHAM,
4 called as a witness, having been first duly sworn
5 to tell the truth, the whole truth, and nothing
6 but the truth, was examined and testified as
7 follows:

8 EXAMINATION BY MR. JEFFRIES:

9 Q Good morning, Ms. Cunningham.

10 A **Good morning.**

11 Q I'm Chris Jeffries, as you know. I
12 represent a number of the Defendants. It's nice
13 to see you this morning.

14 We're going to pick up kind of where
15 we left off. I may bounce around a little bit, but
16 we'll keep moving through. Okay?

17 Is that okay?

18 A **You're going in and out just so you**
19 **know, again. Remember the last time.**

20 Q Thank you. Can you hear me better
21 now?

1 **A Say it again.**

2 Q Are you able to hear me better now?

3 **A I can hear you, but like really faint.**

4 MS. BOARDMAN: Is your volume all the
5 way up on your computer?

6 THE WITNESS: That's what I'm checking
7 now. It says it is.

8 Q That's funny because the only thing I
9 did was turn my volume up --

10 **A Okay.**

11 Q -- from when I started talking.

12 Can you hear me better now?

13 **A Yeah. Like at first I was hearing**
14 **every other word now I can hear you.**

15 Q Okay.

16 **A You're faint but I can hear you.**

17 Q If at any time you're having problems
18 hearing me, tell me; okay?

19 **A Okay.**

20 Q Can the rest of you hear me okay?

21 MS. BOARDMAN: Yes.

1 THE COURT REPORTER: Yes.

2 Q Okay. So Ms. Cunningham you know the
3 general ground rules, only one of us speaks at a
4 time. And please make sure to give verbal
5 responses; right?

6 A Yes.

7 Q Okay. I'm assuming you haven't spoken
8 with anybody about your testimony since we started
9 the deposition; is that correct?

10 A Yes.

11 Q Okay. So when we -- I think when we
12 left off I was asking you in part about Mr.
13 Brown's guilty plea.

14 Do you recall that testimony
15 generally?

16 A Say that again.

17 Q I think when we left off I was asking
18 you about Mr. Brown's guilty plea.

19 A Uh-huh.

20 Q Do you recall that testimony?

21 A Vaguely.

1 Q Okay. So -- well, let me go back a
2 little bit then.

3 My understanding is that your son
4 Timothy, Mr. Brown I'll call him, pled guilty as a
5 result of the search back in February of 2014. Is
6 that your -- for what was seized during that
7 search. Is that your understanding?

8 A Yes.

9 Q Okay. Do you have an understanding as
10 to why he pled guilty?

11 A Yes.

12 Q What is that understanding?

13 A The understanding that he pled guilty
14 to it is that they told him that if he did not I
15 would go to jail.

16 Q And who told him that?

17 A The officers.

18 Q The officers. Which officers?

19 A I can't recall which immediate
20 officers told him that he had to -- he had to make
21 a plea in order for me not to go. Mr. Harris, the

1 lawyer that represented me would know their exact
2 names. I didn't keep a record of that. I'm
3 sorry.

4 Q That's okay. When was that
5 conversation?

6 A Maybe a week before I went to trial.

7 Q When was your trial scheduled?

8 A Oh my God, I can't even remember when
9 I went to court for that. I know it had to be
10 like maybe three or four months after my home was
11 messed up.

12 Q So the search was in February of 2014,
13 so somewhere around late spring, early summer; is
14 that fair?

15 A Around that time I'm going to say it's
16 fair.

17 Q Okay. And who is it -- you're saying
18 it was a police officer that had this
19 conversation?

20 A Huh?

21 Q You're saying it was a police officer

1 that had this conversation?

2 A We had a conversation with one of them
3 officers over -- on the phone when they told me to
4 contact him and get him back there, which I could
5 not.

6 When he reached out to one of the
7 family members, he called Mr. Harris. Mr. Harris
8 told him that the only way that they was going to
9 take the weight off of me was for him to take the
10 weight. Does that make sense?

11 Q Yes.

12 A Can you hear me?

13 Q Yes, I can hear you.

14 So are you telling -- are you telling
15 me that that's what a police officer said or are
16 you telling me something that -- or are you
17 telling me that's what a lawyer said?

18 A I did not hear the officer say that to
19 him directly.

20 Q Okay.

21 A I'm going through -- how can I -- how

1 is the best way to say, hearsay.

2 Q Okay.

3 A Like you called me and I passed the
4 message to him and he passed the message back to
5 me and I passed it back to you.

6 Q Okay. But are you saying that it's
7 your understanding that a police officer had a
8 conversation with Mr. Brown -- with your son and
9 said that?

10 A Not an officer, a detective.

11 Q Okay. And was that a detective -- did
12 that detective have something to do with the
13 execution of the search warrant at your house?

14 A I don't know. I don't even remember
15 his name.

16 Q Okay. Do you know when this
17 conversation occurred?

18 A After he was arrested.

19 Q Can you be any more specific than
20 that?

21 A No. All I know is the conversation

1 **took part after he was arrested.**

2 Q Okay. And you're saying this based on
3 information that was relayed to you by Mr. Harris?

4 A **Yes.**

5 Q Okay. And I should have asked you
6 before, is anyone else in the room with you?

7 A **No, I'm by myself.**

8 Q Okay.

9 A **The fan, that's what you hear. The**
10 **fan.**

11 Q As hot as it is, of course. No
12 problem.

13 Okay. Do you know why your son didn't
14 proceed to trial?

15 A **Say it again.**

16 Q Your son, do you know why your son did
17 not proceed to trial?

18 A **Because from my understanding from**
19 **Mr. Harris that it was in his best interest to**
20 **plead out because he was -- the information that**
21 **Mr. Harris was given is that they supposedly had**

1 **found X, Y, Z, 1, 2, 3.**

2 Q Okay. Were you present when -- during
3 his plea?

4 **A Was I present during what?**

5 Q Were you in court when your son pled
6 guilty?

7 **A Yes.**

8 Q And he was represented by counsel;
9 correct?

10 **A By a free lawyer, not by a paid**
11 **attorney. We couldn't afford two.**

12 Q He was represented by a Public
13 Defender?

14 **A Yeah, by a free lawyer.**

15 Q So he was represented by a Public
16 Defender; correct?

17 **A Yes.**

18 Q Okay. Do you recall that lawyer's
19 name?

20 **A No.**

21 Q Was it a man or a woman, do you know?

1 **A I believe when it started out it was a**
2 **woman.**

3 Q Okay. Do you recall--

4 **A And when Mr. Harris represented me,**
5 **they said he couldn't represent Timothy because it**
6 **was a conflict of interest.**

7 Q Understood. Do you recall whether it
8 was a man or woman that appeared with your son
9 when he pled guilty?

10 **A I can't recall.**

11 Q Okay. I want to switch topics a
12 little bit. I understand that at some point Mr.
13 Brown was involved in a motor vehicle accident.

14 **A Say that again.**

15 Q I understand at some point that Mr.
16 Brown was involved in a car accident -- I believe
17 it was a car accident; is that correct?

18 **A When he was hit?**

19 Q I believe.

20 **A Yes.**

21 Q Okay. When did that occur?

1 **A Oh my God.**

2 Q I'm not asking for the date but if you
3 can, you know, at least if you can give me the
4 year and we can work from there. Let's start
5 there.

6 **A I believe it was in 2013.**

7 Q Okay. Can you give me around about
8 time of year?

9 **A It would have to be spring going --**
10 **fall -- fall going in to winter.**

11 Q Okay.

12 **A Because I believe I was putting**
13 **jackets on my grandson taking him to day care. So**
14 **it was cool but it wasn't hot.**

15 Q Okay. My understanding is this was a
16 serious accident; is that correct?

17 **A The car accident? Yeah.**

18 Q All right. Please tell me what
19 happened.

20 **A He was hit by a drunk driver.**

21 Q I'm sorry to hear that. Where did it

1 occur?

2 **A** **Northeast Baltimore on Sinclair and**
3 **Walther. Walther Avenue.**

4 **Q** And what was--

5 **A** **Wait a minute. Frankford and Walther**
6 **because the paramedics or the medical people said**
7 **that he was dragged for a block underneath of the**
8 **car.**

9 **Q** What was Mr. Brown doing when he was
10 struck, do you know?

11 **A** **Crossing the street.**

12 **Q** Do you know what time of day this
13 happened?

14 **A** **It was -- Johns Hopkins Bayview said**
15 **that the report came to them in the middle of the**
16 **night. So they said they estimated that he was**
17 **found about 11:30, 12:00 at night -- 12:00 at**
18 **night but when they found him, they didn't have**
19 **him listed as Mr. Brown. He was listed as Tay Doe**
20 **for about two weeks. They couldn't identify him.**

21 **Q** So Mr. Brown was struck by a drunk

1 driver when he was crossing the street?

2 **A** **Yes. And it all boiled down to the**
3 **investigation and whatnot. And when they dug into**
4 **it, he was hit by a drunk driver in a stolen**
5 **rental car.**

6 **Q** After he was hit you mentioned EMS and
7 you mentioned Bayview,

8 **A** **Say that again.**

9 **Q** After he was -- in answering my
10 questions you mentioned EMS and you mentioned
11 Bayview.

12 **A** **Yes.**

13 **Q** So was he taken, he was taken by
14 paramedics to Bayview?

15 **A** **Yes. That's where we found him at two**
16 **weeks later, Johns Hopkins Bayview, in the ICU**
17 **department listed as Tay Doe.**

18 **Q** T-a-y?

19 **A** **T-a-e, I guess. All I know, to me it**
20 **was a Doe. We had been calling around hospitals**
21 **everywhere and nobody had a John Doe. Low and**

1 **behold, the reason why they didn't give us the**
2 **information because instead of John Doe they had**
3 **Tay Doe. What difference did it make? You all**
4 **had an unidentified male as Doe.**

5 Q Understood.

6 A We could have found my son earlier
7 **than what we did.**

8 Q I understand. I'm sorry to hear that.
9 Did you -- was anything -- did you make a report
10 to the police?

11 A Uh-huh.

12 Q So Mr. Brown was in Bayview for at
13 least two weeks because that's the period of time
14 when you found him.

15 A Mr. Brown was in Bayview for longer
16 than two weeks, he was just in the critical
17 department for about three weeks.

18 Q Thank you. That's what I was going to
19 ask you.

20 A Yeah.

21 Q He was in the ICU for about three

1 weeks?

2 **A** **Yeah. And then they moved him to**
3 **another part of the hospital.**

4 **Q** **Where was he moved after that?**

5 **A** **He was moved to, from ICU to another**
6 **part of the hospital. I forget what the name of**
7 **the ward was but it was for severe brain trauma.**

8 **Q** **Do you have an understanding of the**
9 **nature of his injuries as a result of--**

10 **A** **Do I have an understanding of what?**

11 **Q** **Do you know what his injuries were as**
12 **a result of that accident?**

13 **A** **He has, if I'm pronouncing it correct,**
14 **he had a cerebral hematoma and that his brain kept**
15 **swelling to the point where they had to give it**
16 **air pockets so the swelling could, the brain still**
17 **could sit inside the cranial. The most trauma**
18 **was, let me get it correctly, the medulla**
19 **oblongata which is in the back of the brain and**
20 **they considered him to have severe brain trauma.**

21 **Q** **Do you remember any of the physicians**

1 that treated him?

2 A Oh my God, no. All I remember is the
3 program that helped us out the most was at Sinai
4 and it was called the RETURN and it was for
5 families and patients that had severe brain
6 trauma. He was in the RETURN program at Sinai
7 Hospital. They helped him to walk again, speak
8 verbally again, his memory.

9 Q Okay. About how long was he at
10 Bayview?

11 A I'm going to say about 45 to 60 days.

12 Q Between 45 and 60 days?

13 A Uh-huh.

14 Q Okay. Where did he go from Bayview?

15 A Maryland General. It doesn't exist
16 any more but they sent him to Maryland General.
17 That was another rehabilitation center that helped
18 him with different coping mechanisms.

19 Q How long was he at Maryland General?

20 A 30 days.

21 Q And what was his treatment there that

1 you recall?

2 **A Still dealing with the brain, dealing**
3 **with mobility, walking, dealing with life skills,**
4 **helping him adjust back to dealing with people and**
5 **society and every day skills.**

6 **Q Okay. So let me unpack that a little**
7 **bit. In terms of walking, what was the assistance**
8 **there?**

9 **A He was on a walker. He used a walker.**

10 **Q And what do you mean in terms of life**
11 **skills?**

12 **A How to bathe himself again because we**
13 **had to bathe Timothy. How to bathe himself again,**
14 **brush his teeth. He had a head full of hair he**
15 **didn't want us to cut. Because they had cut the**
16 **hair off because of the brain thing, he didn't**
17 **want us to cut the rest of his hair so me and his**
18 **son's mother was helping him and along with the**
19 **life skills, to comb and brush the hair again.**
20 **Every day things.**

21 **Q So activities of daily living, is that**

1 fair?

2 A Yes.

3 Q Okay. Other skills or coping you
4 mentioned. What else?

5 A Yeah. Like coping with the fact that
6 he couldn't get up out of there and leave because
7 his main focus while he was in there was getting
8 back out there and being a dad to my grandson.
9 And he forgot -- you know, he had memory loss but
10 the only thing that he kept really asking for was
11 that boy. And by him being so young, we couldn't
12 bring him there.

13 Q I understand.

14 Any other treatment that you recall
15 when he was at Maryland General?

16 A No. Except for, you know, still
17 getting the medication. He was having seizures so
18 they was giving him Dilantin, phenobarbital.

19 And giving him blood thinners so no
20 blood would clot on the brain. And it was a
21 few -- oh my God, I can't remember everything. I

1 got folders downstairs this thick if you want me
2 to go get the folders maybe I can, you know, get
3 those and help you. But it was a lot.

4 Q You have some of his medical records?

5 A Oh, yeah. Oh, yeah.

6 Q I'm not going to -- well, I'm certainly
7 not going to ask you to get those now but if you
8 can turn those over to counsel, we can get them
9 that way. I'm assuming you have those to turn
10 over to counsel.

11 A Okay. No problem. Yes, I got all of
12 his stuff from day one.

13 Q Okay.

14 MR. JEFFRIES: Ms. Boardman, is that
15 something you can get to us after you get it?

16 MS. BOARDMAN: After I look at it and
17 see if it's -- yes, I can get it to you.

18 MR. JEFFRIES: Okay. Thank you.

19 Q So now he's at Maryland General for 30
20 days, and then where does he go from there?

21 A He comes home where they recommend

1 that I enroll him in a program that would help not
2 just him but help the family to deal with him as
3 well.

4 Q Okay. And is that -- what program --
5 did you enroll him in the Sinai program?

6 A RETURN, the RETURN program at Sinai
7 Hospital.

8 Q All right. And was that an outpatient
9 or inpatient program?

10 A Uh-huh.

11 Q Which?

12 A It was outpatient. Timothy would go
13 and come. I put him on the white bus on days that
14 I couldn't take him and it would take him along
15 with the walker and bring him back. And my
16 husband or myself would take turns helping him.

17 Q How long did that program last?

18 A He stayed in there for three months.

19 Q After that three months -- and I'm
20 going to talk to you about that period, but after
21 that, did he receive further treatment?

1 A Except for periodic physicals and
2 stuff, no. Because after the point where he felt
3 as though that he had a handle on things the
4 involvement in the program became voluntary. We
5 couldn't make him go.

6 Q Understood. Okay. So let's go back
7 to Sinai for that three month period. Do you have
8 an understanding of what the treatment -- of what
9 his treatment was then?

10 A Discussing things that -- he became
11 very agitated at times and the agitation came from
12 not remembering, you know what I'm saying. Not
13 being able to hold the spoon without shaking.
14 Not, you know, things of that -- that the, his
15 nervous system was kind of messed up.

16 So he was having a problem with coping
17 with daily things. And so to help him and to help
18 us to understand what he was going through, they
19 recommended that he went to Sinai for the RETURN
20 program.

21 Q Has he continued to have any -- after

1 being at Sinai, did he continue to have problems
2 coping?

3 A No, not really. But he still -- he's
4 still supposed to get checked out once a year
5 because they said that it could clot or he could
6 -- what he think is a mild headache could be
7 something else. Because that trauma she said had
8 no definite date on when his mind would be right.

9 Q And so has he gotten those checkups
10 each year?

11 A That I'm aware of.

12 Q Where has he gotten them, do you know?

13 A Oh my goodness. What is this program
14 called that's over on -- Healthy Start. He goes
15 to Healthy something, something Health Care. Lord
16 have mercy, what's the name of this place?
17 Something Health Care for males that's down on
18 Park Heights and Oswego. I think it's 4466 Park
19 Heights.

20 It's called, it's through United
21 Health Care but it was -- his insurance, Aetna

1 sent him there. And he had Chesapeake Health at
2 one time and they was sending him to a medical
3 facility to get checked out once a year.

4 And then he was -- and then his
5 dentist appointment was at John J. Coleman, that
6 was Park Heights as well. So I tried to make his
7 appointments around in the vicinity where we live
8 so he didn't have to travel far to get to them.

9 Q Understood.

10 When was the last time that he went,
11 had a doctor's appointment like you talked about?

12 A I'm going to say last year. He went
13 last year. I'm going to say around January,
14 February.

15 Q So January -- of 2024?

16 A Yeah, 2024.

17 Q Okay.

18 A Patient First he had -- he was having
19 a headache and Patient First sent him, gave him a
20 referral to the -- to see a neurologist.

21 And he went to his primary care

1 facility on Park Heights and he said that they
2 said he was fine.

3 Q Okay.

4 A Don't read too much into it, it was
5 probably just a headache that -- from straining,
6 trying to see, needed his glasses.

7 Q How long has he worn glasses?

8 A He's supposed to have them glasses on
9 since the accident. Do he wear the glasses? No.
10 He said he don't look handsome in his glasses so
11 he won't wear them.

12 Q I wear my contacts. I don't know if
13 it helps.

14 A I love my frames, baby. Me and the
15 contacts ain't going to work. I love my frames.

16 Q It took me a long time to get to
17 contacts. I understand.

18 A Really?

19 Q I don't like putting -- I didn't like
20 putting things in my eyes.

21 A Okay.

1 Q So when I first got them I literally,
2 I was late for things because I couldn't put them
3 in my eyes.

4 Is that why his nickname is Squints?

5 A Yes, that's why because he squints to
6 see.

7 Q You mentioned Chesapeake Health, you
8 mentioned Aetna, a few other insurance companies.
9 Is it your understanding that Mr. Brown has
10 insurance?

11 A Medical insurance?

12 Q Yes, ma'am.

13 A Uh-huh.

14 Q Okay. Who is it through? Do you know
15 who it's through?

16 A It's through the State. It's State
17 provided.

18 Q Got you. And how long has it been
19 State provided?

20 A For over two years now. Because when
21 he -- he tried to go back into the work force, the

1 headache thing caused him to be out. And then he
2 had gotten a bout of Covid and they didn't -- it
3 didn't -- he didn't recover well from it and the
4 place that he was working at, Crispy Bagels,
5 didn't give him the amount of time that he needed
6 off.

7 They were like you come to work or you
8 don't have no job. And he said he had Covid
9 related issues and so he still wasn't feeling
10 well. And they said that he was still -- he had
11 been there under a year, he was still on the six
12 months probationary period and he couldn't lose
13 any more time and if he didn't report to work he
14 didn't have no job, so it didn't work out well.

15 Q Has the State said he's unable to
16 work?

17 A Huh? Yeah.

18 Q Okay. When was that finding made, do
19 you know?

20 A Okay, so -- he was -- he -- after the
21 accident and he was in the hospital I signed him

1 up for disability. They gave it to him
2 automatically because of the brain trauma and the
3 severity of the head injury.

4 Now what his worker says is they want
5 people like him to go back into the work force so
6 she was, you know, trying different little
7 programs to put Timothy in for him to be
8 introduced back into the work program.

9 But the hit of that is, he could only
10 make so much -- so many hours a month that won't
11 interfere with his monthly benefits.

12 Q Got it.

13 A Timothy receives State benefits right
14 now.

15 Q Okay. And he's been receiving them
16 since, around about since the accident?

17 A Yes.

18 Q Okay.

19 A Not about the accident, after the
20 accident because it took me a fight to get to
21 there, yeah.

1 Q Understood. Okay. And did he receive
2 State benefits even when he was locked up?

3 A No. When he was locked up they didn't
4 give it to me. It was cut off and then once he
5 got out, reinstated.

6 Q Understood. Was he still receiving
7 his yearly medical treatment when he was
8 incarcerated?

9 A I had to fight to get that too. I had
10 to send a copy of everything that he was taking
11 and had been through and everything. That's why I
12 said I got a whole folder downstairs, I had to
13 send that over to the medical facility over at the
14 jail.

15 It was some inmate counsel
16 representative from Reisterstown Road that took
17 all of the information from me and sent it over
18 there to the jail so that boy could get his
19 phenobarbital, Dilantin and other things in
20 reference to the seizures and the brain trauma
21 that they wasn't taking my word for it over the

1 phone.

2 Q Understood.

3 A So that's -- when you hear me say I
4 had to fight, I mean I had to fight. And I just,
5 before he got incarcerated but after the
6 incarceration as well because they wouldn't give
7 that boy his medication.

8 Q I understand.

9 A They didn't just take my word for it,
10 you know, even though I know people do do that.
11 But why would a mother go out of her way, you
12 know, to do all of this and make sure that her
13 child gets his medication no matter how old he is
14 when you're telling them that he had a severe
15 brain trauma and he needs to take these
16 medications for X, Y, Z, 1, 2, 3.

17 Q Understood. How many different
18 medications was he taking in--

19 A Four. Four that was mandatory. That
20 was the phenobarbital, the Dilantin, the blood
21 thinner, which I can't remember the name of it,

1 and the -- it's on the tip of my tongue. It's an
2 antiinflammatory -- Meloxicam, Meloxicam or
3 something like that that helps with inflammation
4 so the back of the brain wouldn't swell.

5 Q For what period of time was he taking
6 those four medicines on a mandatory basis?

7 A From the time he got out of the
8 hospital until -- until he came home.

9 Q Is he on any medication now, do you
10 know?

11 A I'm not sure. Is he supposed to be?
12 Yes.

13 Q Got it.

14 A Is he taking it? I don't know.

15 Q Thank you. That was going to be my
16 next question. To your understanding what is he
17 supposed to be taking?

18 A Yeah. I ask him, are you getting
19 your -- are you doing X, Y, Z? Yeah, mom, yeah
20 mom, you know, like I'm badgering him. Like I
21 said, is he supposed to be? Sure he is. Is he

1 taking it or not? I don't know that part.

2 Q Do you know what he's supposed to be
3 taking?

4 A I know for a fact it's still supposed
5 to be the Dilantin and the phenobarbital because
6 he's supposed to regulate if he feels any type of
7 tremor or whatnot because the thing they told me
8 at the RETURN program is that because of the head
9 trauma if that boy falls down and have another
10 seizure and hits that head and cracks that skull
11 once again, it might not be no returning.

12 You have to understand when we found
13 Timothy, Timothy's head was swollen the size of a
14 watermelon and they had to keep puncturing it to
15 let space in to reduce the swelling for him to
16 function.

17 They had his hands strapped to the
18 sides of the bed so he wouldn't keep pulling out
19 the tubes. Because he kept pulling out the tubes
20 talking about he had to pick up my grandson from
21 day care which he didn't because we had the baby,

1 but he didn't remember that.

2 So his head was like something from
3 out a Frankenstein movie. His face, all the bones
4 from the back of his feet and his buttocks was
5 showing from where the car had dragged him. So he
6 had a lot going on. He had a lot going on.

7 And for a parent to see their child
8 like that no matter how old they are, it was
9 devastating.

10 Q I'm sorry you had to go through that.
11 I can't imagine.

12 A I'm sorry -- my thing is, the
13 gentleman that hit him after it was all boiled
14 down, barely got a slap on the wrist. He got
15 cited for driving while intoxicated and I think 3
16 to 5 years for stealing the vehicle from
17 Enterprise, that was it.

18 Q Do you recall the gentleman's name?

19 A No.

20 Q Do you know who the person --

21 A No.

1 Q But there was a criminal case filed?

2 A Yes. Yes.

3 Q Was there a civil lawsuit filed
4 against the person?

5 A No. We didn't go against him civilly
6 because they told us unless we had a paid attorney
7 at the time that there was nothing they could do.
8 We couldn't hold Enterprise liable because they
9 said that the car was stolen. And from my
10 understanding, the boy that did it, he had
11 psychiatric situations going on with himself while
12 he was drinking and had stolen the car. It's
13 supposed to have been some kind of flock,
14 somebody -- he gave somebody some money and they
15 let him rent the car from them. He didn't
16 actually steal the car, he got the car from
17 somebody else that stole the car.

18 It was like a whole big mess behind
19 it. But to make a long story short, in my book he
20 got a slap on the wrist.

21 Q Do you recall -- so do you recall

1 anything else about -- well, that's too broad of a
2 question.

3 You told me that Mr. Brown obviously
4 had a brain injury. Did he have other physical
5 injuries as a result of this accident?

6 **A No.**

7 Q You said that he had been dragged, you
8 could see his bone you said?

9 **A Yeah. The pelvic bone right here, the**
10 **bones on the heels of his feet were exposed, the**
11 **elbows and then of course back here.**

12 Q Other than his head, did he break any
13 bones?

14 **A Other than the head, no.**

15 Q Okay.

16 **A Just skinned all the way down to the**
17 **bone. I don't even want to recall that picture.**

18 Q To your understanding, other than what
19 you've told us, does he have any permanent injury
20 as a result of that accident?

21 **A I only can tell you what the people**

1 said that something like that he needs to check on
2 it, not to take anything, you know, for granted.
3 That a mild headache for him could be something
4 else and that he would, you know, only time would
5 tell. Only time would tell.

6 Some people bounce back and recover
7 from it, some people don't. Each person's
8 situation is different from what the therapist and
9 the psychiatrist and the other facilitators was
10 telling me, each person was different. And for
11 me, to be honest, I thank God that he's moving and
12 doing the things that he's doing.

13 Q Understood.

14 You mentioned a psychiatrist, where
15 was the psychiatrist?

16 A You know along with all of that group
17 and all of that life skills and all of that it's
18 psychiatry involved where they sit down and ask
19 the parents or the caretakers, well, what do you
20 feel about it? Do you see his mobility coming?
21 And then they ask him questions about certain

1 things to see if certain responses are normal with
2 the brain activity or if something agitates him
3 easily or if he's calm about certain things.

4 So a whole lot tied into his recovery,
5 a whole lot.

6 Q Got you. Okay. And you mentioned a
7 therapist as well, was that in Sinai too?

8 A Yes. That was along with the RETURN
9 program.

10 Q Was it PT--

11 A Is he seeing one now? I doubt it.

12 Q What kind of -- was it physical
13 therapy or--

14 A Yeah. Physical therapy, what she
15 called it, mental and social skills, life skills
16 and something else. All of it was all in that
17 same little program together.

18 But from what Timothy said after we
19 got out of the group and he's there -- he goes
20 there by himself, that it was a whole bunch of
21 talking and a whole bunch of probing and he said

1 being noseey that was agitating him.

2 Like they asked him, well, how are you
3 feeling today, Mr. Brown? He say I'm doing okay.
4 And then she'll go, well, what makes you feel it's
5 okay? And he said then that's the part that
6 agitates him.

7 If I tell you I'm doing okay, I'm
8 doing okay. Why you got to -- what do you mean
9 why am I feeling okay? I'm feeling okay because I
10 said I'm feeling okay. Stuff like that agitate
11 him.

12 Q I got you. Is he still getting
13 agitated like that now?

14 A No. What he does now is just talk a
15 lot. You can tell when something is bothering him
16 because he talks a lot.

17 Q Oh, okay.

18 A He talks a lot.

19 Q When did that start?

20 A Oh my God. To me, after the accident.

21 Q Okay.

1 A He just talks a lot. You can tell
2 when something is bothering him because he'll
3 talk.

4 He'll go back to getting stuff that
5 from when he was a toddler that you don't even
6 think he would remember, but guess what, now after
7 damn near 40 years old he's talking about it.

8 Do you remember when I cut my finger?

9 No, I don't remember.

10 Yeah, you remember when I cut my
11 finger. I cut my finger when I was about 5 years
12 old and I was trying to climb the tree.

13 I don't remember that. But I pacify
14 him and said, yeah, boy. Yeah, I remember that.
15 I should have took you to the hospital then.

16 No, you don't. You just telling me
17 that so I can get out your face.

18 Q Understood. Does he have -- to your
19 knowledge does Mr. Brown have any memory problems
20 as a result of the accident?

21 A I can't -- if you would have asked me

1 that a few years ago I probably would have said
2 yeah. But right now, no.

3 Q Meaning you think he's getting better?

4 A Yes.

5 Q Okay. Okay. How about any--

6 A As time progresses on, you know what
7 I'm saying, as time progresses on you can see -- I
8 can see the old Timothy.

9 Q So even now he's continuing to
10 improve?

11 A I want to say that his mental
12 faculties are not there I would just say that on
13 certain occasions you can see that something is
14 agitating him because he wants to talk.

15 Q Okay. So his mental -- you think his
16 mental faculties, as you say, are okay or are
17 improving? I just didn't understand your answer.
18 What do you mean?

19 A I'm not no, you know, I can't say --
20 from back then to now improving.

21 Q Okay.

1 A Can I say that he's got it aced and
2 he's got it -- no, I can't. I can't determine
3 that. Because I can ask him if he's doing okay
4 and he say yeah but I can look at him and see that
5 something is bothering him. You know, a mother
6 knows.

7 Q A mother knows, of course.

8 A A mother knows. And I can look at him
9 and like say, you good? You okay today? Yeah,
10 I'm okay. You want something to eat? No, I'm not
11 hungry. You sure you okay? Yeah, I'm okay.

12 But that yeah that drags along tells
13 me. Mommy knows best. What's going on with you.

14 Q I understand. And I'm sorry I may
15 have asked you this the first time and I just
16 don't remember. Does he still live with you?

17 A We trying the independence thing. We
18 trying the independence thing. So I have a place
19 for him, most of the time he's here.

20 Q Most of the time?

21 A 90 percent of the time he's here.

1 Q Okay. And when you said you're trying
2 the independence thing, tell me what you mean by
3 that.

4 A I mean that I'm -- he has -- I have an
5 apartment set up for him that, you know, we take
6 care of, me and my husband. He doesn't stay in
7 it.

8 Q Where is that apartment located?

9 A On Woodyear.

10 Q Woodyear, is that 22--

11 A Yeah.

12 Q Okay. Okay. And how long -- go
13 ahead.

14 A He doesn't stay in it.

15 Q How long have you had that apartment
16 set up for him?

17 A Less than a year now. What's this,
18 June? About six months.

19 Q Six months, okay.

20 Is this the first time since he was
21 released that you've tried for him to live

1 independently?

2 A Independently. Has he been out there
3 trying it on his own with quote unquote
4 girlfriends? Yes. But his primary address is
5 here.

6 Q Got it.

7 A I tried to kick him out of the nest.
8 I tried to kick all of them out of the nest and
9 they seem to come flying back.

10 Q I understand.

11 Other than, you've talked to me about
12 Timothy -- about Mr. Brown having some agitation
13 after this incident continuing, has he had any
14 other emotional issues that you have observed
15 since the incident?

16 A I don't want to sound that I'm
17 insensitive but he does talk about different
18 things that happened to him while he was over
19 there incarcerated. And the things that he said
20 either happened to him or he saw or he had to deal
21 with while he was over there.

1 And some of the stuff for me is
2 disturbing and I try to brush it off. I don't
3 want to seem that I'm harsh but I don't want to
4 hear about nothing like that because I don't think
5 for me that's no place for nobody to be.

6 Do, you know, certain circumstances
7 happen and people have to be incarcerated or for
8 whatever reason they are, sure they are. But to
9 actually be over there when I had to go through it
10 myself, that's no place for a human being.

11 And some of the things, the things
12 like I say when I talk to him and I see that he's
13 having a bad day and I kind of poke, you know,
14 like you poke the bear with the stick and then
15 watch out what you poke the bear with the stick
16 for because the bear turn around and slap you. I
17 try to be mindful of that because that's one of
18 the symptoms that they told me to watch out for.
19 Don't poke and prod.

20 If he say he's okay, let it alone.
21 He's okay. But some of them stories I don't want

1 to hear about, you know. And I know that helps
2 him to cope with having to be over there as long
3 as he was. But I want to be honest with you, I
4 don't want to hear that.

5 And I try to listen to him because,
6 you know, he has the brain injury and it was, you
7 know, detrifying (sic) for him to be over there
8 during that period of time and he couldn't cope
9 with certain things that was going on around him
10 and adjust to being over there.

11 But to be honest with you, I didn't
12 want to hear those stories because they was
13 horrifying.

14 Q What kind of -- and I'm sorry to ask,
15 what kinds of things was he telling you?

16 A He said like -- well, one day he was
17 over there and he went to the bathroom and he saw
18 an individual being raped. And he wanted to help
19 that individual but he knew that he couldn't help
20 that individual because he didn't want it to
21 happen to him.

1 And to see a grown man cry and tell
2 you something like that bothered him, that bother
3 me. You know what I'm saying --

4 Q I understand.

5 A You're a man. You know what I'm
6 saying. I don't know, you know, about your
7 sexuality thing but you don't want to hear about
8 man or woman, you know, having to have that happen
9 to them.

10 Q Of course not.

11 A That's not good.

12 Q Understood. Again, I'm sorry. Were
13 there other things that he told you?

14 A Huh?

15 Q I said, again, I'm sorry. Were there
16 other things that he told you.

17 A The people taking your belongings,
18 people trying to fight you. That if you didn't
19 belong to a certain association or you didn't want
20 to affiliate yourself with certain things or
21 certain situations going on over there that you

1 were picked upon.

2 That you had to show that you had
3 teflon skin or they would take advantage of you in
4 that institution. And with somebody that has
5 brain trauma and they already going through
6 something or have a flare up or whatever the case
7 may be, like I said, the first year or so we had
8 to fight for him to get his medication. That was
9 frustrating for him to get the simple basic things
10 that he needed to survive.

11 And for him to tell me stories about,
12 you know, somebody trying to take somebody's
13 tennis shoes or you got to fight for your clothes.
14 Or if somebody didn't like you, they took your
15 food and all of this that and the other. That's
16 something that I think that's harsh. That's harsh
17 for anybody, whether you have a brain injury or
18 not to have to deal with something like that when
19 he proclaimed from day one that you know I
20 wouldn't do nothing like that to you. You know I
21 wouldn't have nothing like that in your house.

1 You know I wouldn't be involved in nothing like
2 that. You got to listen to me.

3 He said I've been telling you and dad
4 from day one, that's not true. That's not true.
5 That's not true. I would never do nothing like
6 that.

7 The only thing you can do is take your
8 child at his word unless it's proven otherwise,
9 you know what I'm saying.

10 Q I understand what you're saying.

11 A I don't want to hear them jail
12 stories, I swear I don't. But if it means for him
13 to sit there and talk about it to make him feel
14 better, you know what I'm saying, for that moment,
15 I'll listen. But as you can see it makes me
16 emotional, so I don't know. I send him to my
17 husband. I say well, why don't you go talk to dad
18 about it. Or why don't you talk to one of your
19 brothers about it because your mom not feeling too
20 well right now. I don't want him to see me break
21 down and cry.

1 Q And, again, I'm not -- I apologize for
2 asking. I'm not trying to be difficult, I'm just
3 trying to get information.

4 A It's okay.

5 Q Do you need to take a break?

6 A Maybe.

7 Q Why don't we take -- let's take a
8 break. Just let Ms. Boardman know when you're
9 ready. We'll take at least five minutes.

10 A That's fine.

11 (A short recess was taken)

12 Q Ms. Cunningham, other than the stories
13 that you told me that Mr. Brown told you, did he
14 have -- did anything happen to him while he was
15 incarcerated or was he just relating stories about
16 other people?

17 A To say that something happened to him
18 physically about a couple of physical incidents he
19 had over there, that's it. I don't think that
20 nobody, like they might have tried it. I don't
21 think they succeeded touching him but that's

1 something I don't think a man is going to tell his
2 mom.

3 Q Understood.

4 A My husband said that, you know, he
5 talk about certain things but he goes around the
6 mulberry bush with certain things. We talk about
7 one thing and then all of a sudden he'll jump from
8 that subject to something else either to evade the
9 conversation or that's an indication that he no
10 longer wants to talk about that subject any more
11 so he'll flip. How can I -- my grandson says that
12 his father flips, meaning he flips the script.
13 He'll be talking about A and B and then all of a
14 sudden he'll flip the script to C and D because
15 that means he no longer wants to talk about that
16 situation.

17 Q And is that something --

18 A So --

19 Q I'm sorry, did you have anything to
20 add?

21 A Go ahead, I apologize.

1 Q Okay. And is that something that Mr.
2 Brown started to do after the car accident?

3 A No, that's something that Mr. Brown
4 started to do after the incarceration.

5 Q Okay. Okay. Other than marijuana, do
6 you know whether Mr. Brown used any other drugs at
7 any time?

8 A No. No.

9 Q No, he didn't or --

10 A He was prohibited from alcohol. They
11 told him that under no circumstances was he
12 supposed to indulge in alcohol because the alcohol
13 intensifies or does something to the blood stream
14 and with him having that trauma back there of the
15 clotting of the brain that alcohol was not an
16 option for him. No drinking.

17 Q Do you know whether he used any other
18 drugs?

19 A No. No, sir. I don't know of no
20 other drugs.

21 Q Okay. You don't know one way or the

1 other?

2 A No, I do not know. I've never seen
3 him under the influence of anything else.

4 Q Okay. Did he work as a drug
5 counselor?

6 A Yeah.

7 Q Where?

8 A Yes, he did.

9 I don't know the name of that place.

10 Lord have mercy. Two institutions, as a matter of
11 fact. And he was so proud of that he had gotten a
12 job.

13 One he was an intake, an intake
14 receptionist where he wrote down their
15 information, categorized their belongings that
16 they brought in and when prompted to had to
17 collect their urine for the men. They went into I
18 guess a little booth or whatever, they had to put
19 their urine in the specimen and then hand it to
20 him. He had to put it in the bag with their name
21 on it and put it the box. So he was a little

1 excited about that.

2 And then somebody that was a driver
3 referred him to another program where he was at --
4 he was at for some, about, I'm going to say almost
5 six months to a year.

6 But like I was telling him, that he
7 should go into, while he had the opportunity to
8 get, you know, the training, you know, to do more
9 with that but I don't know what happened.

10 Him and one of the residents or
11 something didn't see eye to eye about something
12 and he said he didn't want to return there. They
13 was supposed to send him somewhere else but they
14 was dragging their feet about it.

15 And so he was thinking about going
16 back to school and doing -- and getting something,
17 doing something else. So that's where we're at
18 right now, him looking for something else. But he
19 seemed to like that.

20 Q And what were his duties at that
21 second facility?

1 **A At the second center?**

2 **Q Yes, ma'am.**

3 **A Intake.**

4 **Q Okay.**

5 **A And transportation.**

6 **Q Okay.**

7 **A See he had graduated by that time and**
8 **got his license so he could drive their vehicle**
9 **after being at the other facility for a certain**
10 **period of time, he had got his license. And after**
11 **the 30 day probationary period was up he was**
12 **taking the people to, I think he said DHR where**
13 **they apply for their assistance at, intake**
14 **services where he was taking them to meetings and**
15 **different places that they supposed to go within**
16 **the perimeter that they had to have transportation**
17 **for.**

18 **But most of the things that he had to**
19 **do with them was a group setting. So by the place**
20 **being men and women he was responsible for taking**
21 **the men and another co-worker took the women. He**

1 **seemed excited about both jobs.**

2 Q Understood.

3 A **Why it didn't pan out, I don't know.**

4 Q You said he had gotten a driver's
5 license. What kind of license -- a normal
6 Maryland driver's license or a CDL, which did you
7 mean -- a commercial driver's license, which did
8 you mean?

9 A I think he got the -- he had Maryland,
10 regular Maryland driver's license but I think this
11 was a special type of card that they gave them to
12 drive those vans with more than three people in
13 it. I don't know what those -- that's called when
14 you're able to -- they're not like buses but
15 they're not, you know, you know what I'm saying.

16 Q I understand.

17 A **It's like the little minivans.**

18 Q I understand exactly what you're
19 saying.

20 A **It's almost like Mobility, but it's a**
21 **van type of setting.**

1 Q Yes. Thank you.

2 Do you know whether Mr. Brown has any
3 restrictions on his license?

4 A No, he does not.

5 Q He doesn't.

6 A The glasses, that's it.

7 Q Glasses. I was asking, I didn't know
8 with his seizure medication.

9 A No. Glasses.

10 Q Understood. Okay. Thank you.

11 A Because see the seizure medication, it
12 can be taken at, either during the day or at
13 night.

14 Q Got it.

15 A He doesn't have to take it during the
16 day. And the phenobarbital and Dilantin it is
17 not -- doesn't make you drowsy unless you
18 over-medicate so it shouldn't make him drowsy.
19 Because I've taken phenobarbital and Dilantin.
20 I'm grateful in recovery and remission from Lupus.

21 Q Glad to hear that you're in recovery.

1 **A Yeah.**

2 Q Were you aware that Mr. Brown filed a
3 motion for -- to be evaluated for drug treatment
4 while he was incarcerated?

5 **A No, I wasn't aware of it.**

6 Q Okay. So I'm looking at, let me just
7 ask you a few questions, they may sound like
8 they're coming out of the blue.

9 Did Mr. Brown, to your knowledge did
10 Mr. Brown ever steal anything from you?

11 **A No.**

12 Q Did you ever put him out of the house?

13 **A Yeah.**

14 Q When?

15 **A I put him out of the house, I put all**
16 **of them out of the house before for fighting and**
17 **arguing at one time or another.**

18 Q Any other reason?

19 **A But not to the point where you're put**
20 **out and you can never come back. Why don't you**
21 **just take a walk and get yourself some air or**

1 **something, you know --**

2 Q Was he ever -- was Mr. Brown ever
3 homeless, to your knowledge?

4 **A No.**

5 Q Was he ever living on the street?

6 **A No.**

7 Q Did he ever seek drug -- other than, I
8 mean, are you aware of him ever seeking drug
9 rehabilitation treatment?

10 **A No.**

11 Q Okay.

12 **A I never knew they had drug**
13 **rehabilitation for marijuana.**

14 Q You have been identified in documents
15 in this case as having seen the socio emotional
16 and financial toll that the false conviction had
17 on Mr. Brown.

18 **A Uh-huh.**

19 Q Can you tell me what information you
20 have about that?

21 **A Say that again.**

1 Q Sure. You have been identified in an
2 answer to a question that we sent to Mr. Brown as
3 having information about the socio emotional and
4 financial toll that the false conviction had on
5 her son -- had on Mr. Brown.

6 Can you tell me what information you
7 have about that topic?

8 A Okay, on that topic.

9 Q Yes, ma'am.

10 A The things that I've seen that
11 socio -- besides the horror stories of him being
12 over there and witnessing different things, the
13 setback. Like when, upon being arrested then he
14 was going to school for the driver's license and
15 had just completed the GED program.

16 So he was, you know, furthering his
17 education so he could provide financially for my
18 grandson and be a better father.

19 He was in parenting because we had,
20 myself, my husband and Timothy have custody of his
21 now 17 year old son. Then we had had him since he

1 was six months old.

2 So by, while he was incarcerated, mom
3 and dad had the grandchild. So the whole 5 and a
4 half, 6 years he was locked up, we had the son for
5 him. Didn't receive any type of State assistance
6 whatsoever. We worked two jobs, my husband worked
7 two jobs, I worked two stores to provide for not
8 just our own household, his son as well.

9 And for whatever reason he felt as
10 though that, you know, we -- he was a burden to us
11 because he was incarcerated and we was taking care
12 of his responsibility, which wasn't a burden
13 because we the grandparents.

14 But he felt as though I could be in
15 school, I could be done this by now. I could be
16 done this. And you don't know X, Y, Z, 1, 2, 3
17 that it's taken on me being over here away from
18 him and doing this that and the other. Like I
19 said from the start, his main focus even while he
20 had got that brain injury was that child. That
21 boy is everything to him.

1 And I hated having to drag that child
2 over there to see him behind them bars. I hated
3 it. But I did what I thought was right to help
4 him and help the child, my grandson. My grandson
5 would zap out and he cry I want my daddy. I want
6 my daddy. And like I had to toss a coin up,
7 should I take him over there in that environment
8 to see him or should I not, so I chose to do it.

9 Did it help Timothy? I can't say
10 whether it helped him or not. I know each visit
11 was emotional.

12 Did it help my grandson? In a way.
13 He got to see his father no matter what condition
14 he saw him in.

15 Q Sure.

16 A So it's kind of hard on both ends, you
17 know.

18 Q Yes.

19 A So, yeah, it did take a toll on the
20 both of them.

21 Q Is it your -- do you think his

1 incarceration slowed his recovery?

2 **A Yes.**

3 Q Has anyone else said that? Has any
4 doctor or anybody said that?

5 **A Well, she said -- she didn't say it**
6 **slowed it, she said it prohibited a lot of things**
7 **that should have, would have, could have. Am I**
8 **professional, can I give you the ins and outs of**
9 **everything? No, I cannot. The only thing I can**
10 **do is give you third party speaking.**

11 Q Who's the person who said that?

12 **A One of his facilitators at Sinai.**

13 Q When did that person say that?

14 **A When he went from -- when he came home**
15 **and I asked him about the headaches and whatnot**
16 **and tried to go back around there and we spoke to,**
17 **I believe her name was Ms. Carmichael. And Ms.**
18 **Carmichael said because of, how can she say, the**
19 **late nature of him coming back into the program**
20 **that she couldn't help him but she could refer him**
21 **to somebody that could. I guess after, you know,**

1 she shot him down because he was comfortable with
2 talking to her about certain things that he didn't
3 pursue seeking talking to somebody about what he
4 was going through or what happened to him with
5 somebody else.

6 I guess she made him feel comfortable.
7 She was an older like grandmom figure. But she
8 was like a great mediator and she helped our
9 family a lot during the transition. That's all I
10 can say. And he felt comfortable with talking to
11 her. So once he got out, we went back around
12 there to try to get him, you know, reconnected to
13 one of those programs and they said that he had
14 been gone too long.

15 Q Did he get treatment after -- did he
16 get treatment after he got out?

17 A Not like -- not like that. Not like
18 in a group setting or nothing like that.

19 Going to the doctors, you know, here
20 and there, yeah. Talking to somebody like we did
21 at the RETURN program and Maryland General, no.

1 Q Okay.

2 A And if he did, he didn't include me.
3 Like I said, it's not all the time young men want
4 to involve their mothers in what they're doing or
5 how they're feeling or what they're going through.

6 And like I said, if something did
7 happen to him over there, he's not going to talk
8 to the mom about it and he know I'm a cry baby any
9 way so I'm not going, you know, I start getting
10 upset and then he'll get upset it will be a whole
11 mess.

12 Q Got you. And he -- is it your
13 understanding that Mr. Brown received his GED or
14 was working towards it? You mentioned that and I
15 just didn't --

16 A From my understanding, he was working
17 towards it. Or I think, I'm not for certain,
18 don't quote me verbatim, while he was in there he
19 got it. While he was facilitized he got it. I'm
20 not for sure.

21 Q Okay.

1 A I knew he had to get it at some point
2 because those recovery centers, one of the
3 requirements is high school diploma or high school
4 equivalency. So he either had to have a diploma
5 or GED to get it.

6 Q All right. Any other information that
7 you have about the socio emotional and financial
8 toll that the false conviction had on your -- Mr.
9 Brown, had on your son? That's where you've been
10 identified. So any other information there?

11 A Like I said, I can identify with it in
12 reference to my grandson and his emotional state.
13 I can identify and speak upon, you know, the
14 emotional state that it had on him, the change
15 that I saw in him in reference to how he used to
16 be versus how he is now, him being shut off.

17 Like I said, you can tell when he's
18 going through something because he starts to talk,
19 talk, talk. And like I said you can be going
20 through something and you don't want to seem as
21 though, you know, I don't want to hear that right

1 **now. Talk to me later. Because one of the coping**
2 **mechanisms they told me for Timothy would be to**
3 **let him talk. So, you know, we let him talk.**
4 **Sometimes it makes sense, sometimes it don't.**

5 Q Understood. Anything else that you
6 haven't already told me?

7 A No, not really. But it has taken a
8 toll on everybody, but the main two is the father
9 and the son. To me that's all that's important.

10 MR. JEFFRIES: Okay. Ma'am, I
11 appreciate your time. I don't think, other than
12 if you could give those folders to counsel, I
13 don't believe I have any further questions for you
14 right now.

15 THE WITNESS: Thank you so much, I
16 appreciate you.

17 MR. JEFFRIES: Thank you.

18 EXAMINATION BY MS. MARQUEZ:

19 Q All right, Ms. Cunningham. My name is
20 Sabrina Marquez, I represent an individual named
21 Defendant Robert Hankard. I have a couple of

1 questions for you but I will do my best to be
2 brief given your work schedule.

3 And I'm going to hop around a bit on
4 topics so if you're not understanding what I'm
5 referring to please feel free to let me know and
6 I'll try and clarify my questions.

7 All right. Now during the first
8 session of your deposition Mr. Jeffries asked you
9 about a couple of individuals. I'd like to ask
10 you about one more. Are you familiar with an
11 individual named Robert Hankard?

12 A I'm not familiar, to be honest with
13 you. I don't remember anybody's name. If they
14 gave me their names upon me -- them -- me coming
15 to the home, I cannot -- I do not remember
16 anybody's name. I remember maybe two of the
17 officers were -- that was speaking to me telling
18 me what was going on and what to expect. One of
19 them was, I can tell you that what I think their
20 ethnic background is or their race is. I cannot
21 tell you for sure because like I said three of

1 **them were fair skinned. One was African American,**
2 **had on regular clothes and one had on uniform.**
3 **Other than that, I couldn't -- I can't remember**
4 **what nobody's name was.**

5 Q Okay. So that name Robert Hankard is
6 not ringing any bells as you sit here today?

7 A **Absolutely not.**

8 Q Now turning back to the burgundy
9 Mercury Cougar. Who was that vehicle registered
10 to?

11 A **Me.**

12 Q And who drove that vehicle in 2014?

13 A **It was like our go to car. When**
14 **something was wrong with any of our cars, me and**
15 **my husband would drive that car. Did they do**
16 **stuff they wasn't supposed to do? Of course they**
17 **did. I remember Trevor, Tylance sneaking and**
18 **taking my car before. I remember my nephew**
19 **sneaking and taking my car before.**

20 But were they allowed to drive my car?
21 **Absolutely not.**

1 Q Who was allowed to drive that car?

2 A Zena Cunningham and Dennis Cunningham.

3 Q Did Mr. Brown ever drive that vehicle
4 in 2014 -- early 2014?

5 A Did he take my vehicle before? Of
6 course he did.

7 Q And I believe during the first session
8 of your deposition it was your testimony that the
9 Mercury Cougar was Mr. Brown's car.

10 A That's not what I meant. When I said
11 it was his car, meaning that he used to clean it
12 for me and I promised it to him once he got his
13 license which was, he was going forward on
14 retrieving before the incident happened. It was
15 promised to him. Yes, I did promise him the
16 vehicle if he completed the driving class, the
17 course and got his permit.

18 Q Okay. And you indicated that at some
19 points Mr. Brown had taken the car even though it
20 may have--

21 A Not points. Not points, don't put an

1 **S on it. Point.**

2 Q When was that?

3 **A I can't give you a specific date.**

4 Q Can you tell me the circumstance?

5 **A I beg your pardon?**

6 Q Can you tell me the circumstance?

7 What happened?

8 **A I don't understand the question.**

9 Q What happened when -- how did you come
10 to find out that Mr. Brown had used your car, he
11 had used the Mercury Cougar without your
12 permission?

13 **A I saw it gone.**

14 Q Was this before or after Mr. Brown was
15 incarcerated?

16 **A What do you mean before or after? He**
17 **couldn't have taken it after the incarceration.**
18 **He took it before the incarceration.**

19 Q Was it after Mr. Brown was in the car
20 accident that we've been discussing today?

21 **A Oh, no, baby. No.**

1 Q So it was before that accident?

2 A You're talking about the brain trauma?

3 Q Yes.

4 A Yes. We didn't allow him to drive
5 after that.

6 Q And is this incident that you're
7 discussing that was before the car accident where
8 Mr. Brown had used the Mercury Cougar without your
9 permission, is that the only time you're aware of
10 that Mr. Brown ever used the Mercury Cougar?

11 A That I'm aware of, yes.

12 Q And the home that's located at 2811
13 Ruscombe Lane, is that in the Park Heights area of
14 Baltimore?

15 A It's in the Northwest District, ma'am.

16 Q And what is that in relation to Park
17 Heights?

18 A What do you mean?

19 Q Is Park Heights--

20 A Is it in the vicinity?

21 Q Yes.

1 **A** **Sure, it's in the vicinity. But**
2 **that's not where my home -- my home is not, is not**
3 **considered the Park Heights area. Where we live**
4 **at it's considered to be, it's Cylburn. Cylburn**
5 **community. As a matter of fact my area is called**
6 **Cylburn Commons. I live on Ruscombe and Poe**
7 **Avenue.**

8 **It's a good hop and skip and a jump**
9 **from Park Heights. Can you walk to Park Heights?**
10 **I guess you can. Do you want to walk to Park**
11 **Heights from my home? I don't think so.**

12 **Q** **Understood.**

13 **Now prior to February 12th, 2014, when**
14 **was the last time you had gone into the basement**
15 **of your home?**

16 **A** **That morning.**

17 **Q** **What were you doing down there?**

18 **A** **Getting Hot Pockets and breakfast**
19 **sandwiches for the kids for school and for work.**

20 **Q** **And I believe you testified during the**
21 **first portion of your deposition that on the**

1 morning of February 12th, 2014 Mr. Brown was at
2 the home?

3 **A Yes.**

4 **Q And you saw him there?**

5 **A He got his son ready for day care.**

6 **Q You saw him that morning?**

7 **A Absolutely.**

8 **Q And in February of 2014, early**
9 **February of 2014, Mr. Brown was regularly living**
10 **in the home?**

11 **A Yes, he was. Him and his son.**

12 **Q And prior to February 12th, 2014, when**
13 **was the last time you had gone in to Mr. Brown's**
14 **bedroom?**

15 **A That morning to get the baby's back**
16 **pack.**

17 **Q Do you recall--**

18 **A To fix his back pack for day care.**

19 **Q Do you recall where the back pack was**
20 **located in the room?**

21 **A On the organizer.**

1 Q When packing the back pack, did you
2 have to go in the closet or any drawers in the
3 room?

4 A I had to do pretty much all of that
5 because I packed -- I packed the baby's bag for
6 him to go to day care. I made sure he had pull
7 ups and change of clothes and his lunch, his
8 eczema medicine. Or whatever -- you're supposed
9 to send sheets and everything else on a daily
10 basis or a weekly basis for the day care.

11 Q And prior to February 12th, 2014, when
12 was the last time you had gone into your son
13 Trevor Epperson's (phonetic) room?

14 A Every day. The same day.

15 Q Why did you go in the room if you
16 recall?

17 A Because I iron the uniforms and set
18 the uniforms out for them to go to school. Two
19 boys shared that room.

20 Q And on February 12th, 2014 when you
21 had come back to the home during the execution of

1 the search warrant, you were interviewed by
2 officers on the scene?

3 **A Yes. Well, I don't know what you call**
4 **an interview. What do you consider an interview?**

5 Q Did officers on the scene ask you
6 questions?

7 **A Yes, they did.**

8 Q Did they ask you who lived in the
9 house?

10 **A Yes, they did.**

11 Q Who did you say lived there?

12 **A That's not the first question they**
13 **asked me.**

14 Q What was the first question they asked
15 you?

16 **A The first question they asked me was**
17 **who was inside the home. I remember that verbatim**
18 **because I said to him, I said now that's funny how**
19 **are you asking me who's in the home when you've**
20 **already been in the home. You know there's nobody**
21 **in the home. The two cats that you're terrifying.**

1 Q And then after that first question at
2 some point they asked you who lived in the house?

3 A That is correct.

4 Q Who did you say lived in the house?

5 A I said my children, my grandson and my
6 husband along with my two cats.

7 Q Did you initially say that Mr. Brown
8 lived there?

9 A Yes.

10 Q Were you asked when the last time you
11 saw Mr. Brown was?

12 A Yes.

13 Q What was your response?

14 A Two hours ago.

15 Q And in February of 2014, did your son
16 Trevor Epperson have a license?

17 A No.

18 Q Or a driver's -- a learner's permit?

19 A No.

20 Q And you had mentioned that they have
21 also taken this Mercury Cougar without your

1 permission. Approximately how many times would
2 you say that occurred?

3 **A I said I'm only aware of him, of**
4 **Timothy taking my car one time.**

5 Q Yeah, I'm asking about Mr. Epperson
6 now.

7 **A I never said I was aware of Trevor**
8 **stealing my car.**

9 Q So in February of 2014 Mr. Epperson
10 did not drive the Mercury Cougar?

11 **A No.**

12 Q Now once Mr. Brown was incarcerated,
13 did you continue to keep the Mercury Cougar
14 registered?

15 **A Uh-huh. Until I had it sent away**
16 **because I kept getting violations for the car.**

17 Q What were the violations for?

18 **A The violations were that they thought**
19 **that the car was abandoned.**

20 Q But its registration was up to date?

21 **A Uh-huh. The car was not abandoned.**

1 **They gave me environmental hazard fine.**

2 Q Do you recall when that was?

3 A Almost, I'm going to say six months to
4 maybe into a year after Timothy was incarcerated.

5 Like I said we had a lot going on and
6 we couldn't afford to keep the car up like, you
7 know, we supposed to have. It was registered. We
8 only had liability on it, I believe my husband
9 did.

10 And somebody took it upon theirself to
11 bust the window out. So I'm guessing because they
12 busted out, the side window out and somebody drove
13 past and knocked the mirror off they considered
14 the car as being abandoned or messed up or
15 whatever they wanted to call it.

16 Q And then prior to February 12th, 2014,
17 when was the last time you had gone into the China
18 cabinet that was located in your dining room?

19 A Say that again.

20 Q Prior to February 12th, 2014 when was
21 the last time you went into the China cabinet that

1 was in your dining room?

2 **A** My dining room, I'm not going to say
3 that I went in there on a regular basis because I
4 didn't. But I could almost say that it was on
5 that Sunday. Every Sunday we set the table for
6 Sunday dinner and that's where the silverware was
7 kept at. So the younger children set the table.
8 So that means they put place mats out, they put
9 the utensils out and to set the cups out and to
10 set the table up for dinner on Sunday. That was a
11 routine thing, every Sunday.

12 **Q** Okay. And you mentioned that you went
13 into the basement on the morning of February 12th,
14 2014 to go into the fridge freezer to get food for
15 the kids in the house.

16 **A** Yeah. The deep freezer. Hot Pockets.
17 Hot Pockets and Jimmy Dean breakfast sandwiches.

18 **Q** Can you please describe where the deep
19 freezer was located in the basement, like kind of
20 the -- how the basement is set up?

21 **A** Okay. So you come down the basement

1 steps. At the top, you come down. At the bottom
2 of the steps you turn to the right. When you turn
3 to the right, over in the far right-hand area
4 which is where Koran's bedroom was located. Right
5 as you come down those steps there was one small
6 cubic freezer there. You go further across the
7 room, there to the left just a little slightly was
8 the 7 foot long cubic freezer.

9 Q And then was there also an area in the
10 basement where there was storage or where the
11 family stored items?

12 A No, it was no storage area. Like I
13 said, Koran's living -- bedroom was set up to the
14 right side. The play room for my grandson and my
15 other grand daughter Keziyah and all played at
16 that had video games and all was by the other
17 cubic freezer. And the cats' room was in front
18 of the two freezers. So it was no storage area.
19 It wasn't no space for a storage area.

20 MS. MARQUEZ: All right,
21 Ms. Cunningham, I think that those are all of the

1 questions that I have for you this morning. Thank
2 you very much.

3 THE WITNESS: You're welcome.

4 MS. BOARDMAN: All right, Ms.

5 Cunningham, I just have a few.

6 EXAMINATION BY MS. BOARDMAN:

7 Q So we just finished talking about how
8 you went into the kids' rooms, the China cabinet,
9 the basement, you know, within a week of this
10 incident.

11 When you went in to the bedrooms, did
12 you see any -- and I think I know the answers to
13 these questions but I just want to make it clear.
14 Did you see any Mannite bars or any items that are
15 used to cut heroin?

16 A Any what?

17 Q Any Mannite bars or any other items
18 used to cut heroin?

19 MR. JEFFRIES: Objection to form. You
20 may answer.

21 A And forgive me for my ignorance, but

1 **what is that?**

2 Q It's a material that is mixed with
3 heroin to make it less strong.

4 A So in other words, let me get this
5 correct. You're asking me going in my kids' room
6 on a periodic basis which is daily did I ever come
7 across or see any cut--

8 Q Any materials--

9 A -- to manufacture drugs with?

10 Q Yes.

11 A No.

12 Q Okay. Did you see any scales that are
13 used to weigh drugs?

14 A No.

15 Q Did you see any packaging materials
16 for drugs like capsules or little small baggies?

17 A No.

18 Q Have you ever seen a shotgun in your
19 home?

20 A Absolutely not.

21 Q What about any sort of ammunition for

1 that shotgun?

2 **A No.**

3 MS. BOARDMAN: Those are my only
4 questions.

5 MR. JEFFRIES: I have one followup
6 question.

7 EXAMINATION BY MR. JEFFRIES:

8 Q Ms. Cunningham, have you ever seen a
9 gun in your home? A weapon or a gun of any sort?

10 **A Have I ever seen a gun? Sure I have.**
11 **I've seen plenty of guns.**

12 Q No, no, I'm sorry. You might not have
13 heard the tail end of my question, in your home.

14 **A Oh, no, no, no. I thought you said**
15 **had I ever seen a gun. Sure I've seen a gun.**

16 Q No.

17 **A But in my home, no.**

18 Q And to be clear I mean a physical
19 actual weapon, I don't mean watching on T.V. or
20 something like that.

21 **A I apologize. I misunderstood.**

1 Q No problem. And your answer is no?

2 A Yes, my answer is no.

3 MR. JEFFRIES: Okay. I don't have any
4 further questions.

5 MS. MARQUEZ: I don't have any
6 questions. Thank you very much.

7 MR. JEFFRIES: So other than, Ms.
8 Cunningham, you're going to send those folders to
9 Ms. Boardman, I think that's it from my
10 perspective.

11 THE COURT REPORTER: Will the witness
12 read and sign?

13 MS. BOARDMAN: Yes.

14 THE COURT REPORTER: Could I just get
15 everyone's transcript order, what you need and
16 when you need it by. Regular delivery is 10 days,
17 but I can get it to you whenever you need it.

18 MS. BOARDMAN: Regular is fine for
19 Plaintiff, and we'll do the ASCII and PDF condensed
20 and full sized.

21 MR. JEFFRIES: And I think I have a

1 standing order, electronic copy. And can I get it
2 around the 3rd?

3 THE COURT REPORTER: Sure. No
4 problem. So one week then?

5 MR. JEFFRIES: Yes.

6 (Deposition concluded at 11:00 a.m.)
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CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me.

Any additions or corrections that I feel are necessary will be made on the Errata Sheet.

Zena Cunningham

Date

(If needed, make additional copies of the Errata Sheet on the next page or use a blank piece of paper.)

1 ERRATA SHEET

2 Case: Brown vs. Mayor and City Council

3 Witness: Zena Cunningham, Volume II

4 Date: June 26, 2025

5 PAGE/LINE SHOULD READ REASON FOR CHANGE

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1 State of Maryland

2 Baltimore County, to wit:

3 I, PAULA J. ELIOPOULOS a Notary Public of the
4 State of Maryland, County of Baltimore, do hereby
5 certify that the within-named witness remotely appeared
6 before me via Zoom at the time herein set out, and
7 after having been duly sworn by me, according to law,
8 was examined by counsel.

9 I further certify that the examination was
10 recorded stenographically by me and this transcript is
11 a true record of the proceedings.

12 I further certify that I am not of counsel to
13 any of the parties, nor in any way interested in the
14 outcome of this action.

15 As witness my hand and notarial seal this
16 30th day of June, 2025.

17 
18

19 PAULA J. ELIOPOULOS

20 Notary Public

21 My Commission Expires: June 15, 2028

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